

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

MAY 3, 2016

Present at the meeting was Commission Chairman Keith Brady, Commissioner Paul Cowley, Commissioner Ethan Migliori, Attorney Mike Olsen, Deputy Clerk/Auditor Carol Cox, elected officials and citizens.

CONSENT AGENDA

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

The Warrant Check Edit List # 240210 through and including #240321 were presented for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
17-16	(3) Commercial Canopies Emery County Fair/Rec Dist	\$1,740.00
18-16	(4) Park Benches Lawrence Cemetery	\$3,530.00
19-16	Digital Tool Box Travel Bureau	\$11,743.00
20-16	Microwave Radio Card repair /Green River Communications/Sheriff	\$3,062.00
21-16	16x16 Cement Pad/Miner's Memorial County/ Miner's Memorial	\$2,660.00

(2)

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APPROVAL OF COMMISSION MEETING MINUTES DATED APRIL 19, 2016

(3)

APPROVAL TO PROMOTE JANET DAMRON TO SR. DEPUTY RECORDER. GRADE 18.

(4)

APPROVAL TO HIRE BRITTANY COX AS A SEASONAL SALES CLERK AT THE MUSEUM. WAGE 9.00 PER HOUR.

(5)

APPROVAL TO START THE RECRUITMENT PROCESS FOR 2 PART TIME. WORKING 19 3/4 HOURS PER WEEK, SEASONAL EMPLOYEES TO WORK IN IS/GIS.

(6)

APPROVAL TO HIRE MIKE NELSON AND TINA LACOCK AS SEASONAL HEAD LIFEGUARDS. WAGE \$8.63 PER HOUR.

(7)

APPROVAL TO HIRE VALERIE CHYNOWETH AND TAEGON PULLI AS SEASONAL LIFEGUARDS. WAGE \$7.68 PER HOUR.

(8)

APPROVAL OF OUT-OF-STATE TRAVEL FOR TINA CARTER TO MILWAUKEE, WI FOR THE MAIN STREET NOW CONFERENCE.

(9)

APPROVAL OF OUT-OF-STATE TRAVEL FOR KEITH BRADY TO MONTROSE, CO FOR A SIX COUNTY INFRASTRUCTURE COALITION MEETING.

Motion to approve the Consent Agenda was made by Commissioner Paul Cowley, seconded by Commissioner Ethan Migliori and the motion passed.

DISCUSSION AGENDA

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(1)

ITEMS PULLED FROM THE CONSENT AGENDA.

Nothing

(2)

OPEN AND READ ALOUD BRANDING PACKAGE AND MARKETING PLAN REQUEST FOR PROPOSALS. CONSIDERATION AND APPROVAL OF FURTHER ACTION TAKEN.

Clerk/Auditor Brenda Tuttle handed the Board of Commissioners the RFP packages and stated that "these packages are the ones that were received in my office as of 5:00 p.m. Monday, May 2, 2016". The packages were not clearly marked what they were for and since the next agenda item has RFP requests also the only way to determine what they are for was to open them.

There were 12 packages that were for the Branding Package and Marketing Request for Proposals that were read aloud.

- 1) Simple View
- 2) Truss Group
- 3) Red Rider Creative
- 4) ChandlerThinks
- 5) HAPI
- 6) Roger Brooks International
- 7) Sorenson Advertising
- 8) Utah Valley University
- 9) Viva + Impulse Creative Co.
- 10) GumCo
- 11) HUB
- 12) SLANT Media

Commissioner Ethan Migliori made a motion to turn the bids over to the Travel Council Advisory Board along with Commissioner Keith Brady and any other elected official of his choice to go through the bids and make a recommendation from there. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(3)

OPEN BIDS FOR THE DEVELOPMENT/DRAFTING OF A HAZARD MITIGATION PLAN FOR EMERY COUNTY FOLLOWING FEMA GUIDELINES. CONSIDERATION AND

APPROVAL OF BID AWARD AND NECESSARY PAPERWORK TO EXPEDITE THE PROJECT.

One bid package from the opened bid packages from item #2 was for development/drafting of a hazard mitigation plan for Emery County. The bid was from S. MABE Consulting, LLC. After review of the bid Captain Ekker and Sheriff Funk recommended accepting the bid.

Commissioner Ethan Migliori made a motion to accept the bid from S. MABE Consulting, LLC as discussed. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(4)

OPEN BIDS FOR JANITORIAL SERVICES FOR THE CASTLE DALE LIBRARY. CONSIDERATION AND APPROVAL OF BID AWARD AND ASSOCIATED PAPERWORK.

There were 4 bids received in the Clerk/Auditor's office for Castle Dale Library janitorial services. The bids were as follow:

- 1) Camille Thomas \$325.00 per month
- 2) Kelly Stevens \$500.00 per month
- 3) Melinda Bell \$300.00 per month
- 4) McKensie Garrison \$500.00 per month

Commissioner Ethan Migliori made a motion to have Commissioner Cowley review the bids with Library Director Carole Larsen to determine if they are complete and go from there. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(5)

KOBE FAIMALO, DISCUSSION AND APPROVAL OF EAGLE SCOUT PROJECT AT THE LAWRENCE CEMETERY.

Kobe Faimalo discussed an Eagle Scout project at the Lawrence Cemetery. Kobe explained that there are currently no benches at the Lawrence Cemetery. He has chosen to install 4 benches at the Lawrence Cemetery for his Eagle Scout Project. He provided the Commissioners with a cost breakdown and agenda for the project. He added that the benches will be similar to the benches in front of the courthouse. Jeff Guymon discussed placement of the benches. Lawrence Cemetery Committee Chairman Bevan Wilson explained that about a year ago the committee came up with a proposed plan to purchase 4 benches. This plan was presented to the Emery County Commissioners during the budgeting process last year. The County has budgeted \$4,500.00 for this project. The committee has received private citizen donations (enough to pay for two benches) that were submitted to Brenda Tuttle in the Clerk/Auditor's Office. He indicated that there will be three requisitions for payment from this project. One for the purchase of the benches, one from Magnuson Lumber for the materials to frame the cement pad, and one

from Nielson Construction for the cement pad to set the benches. Commissioner Cowley asked Kobe if he would have help on this project. Kobe indicated that other troop members will help with the project. He indicated that the project is projected to be completed before Memorial Day. Commissioner Paul Cowley made a motion to approve of an Eagle Scout Project at the Lawrence Cemetery as proposed by Kobe Faimalo. The motion was seconded by Commissioner Ethan Migliori. The motion passed. Bevan Wilson informed the Commissioners that the Lawrence Cemetery Committee has another project in the works that they hope to be able to work out the associated problems related to planting trees in ground with a lot of gravel and inadequate water source. He thanked Brenda Tuttle for her help with the bench project.

(6)

LARRY PRETTYMAN, DISCUSSION AND CLARIFICATION OF OWNERSHIP OF SIGN NORTH OF HUNTINGTON.

Larry Prettyman, Huntington, came before the Board of Commissioners to discuss ownership of the sign north of Huntington. He indicated that his wife's family owns the property where the sign is located and that in years past Emery County was paying the yearly lease. The county let the lease lapse and Ferron City picked it up for advertising Millsite Golf Course for a few years. He indicated that he would like to take over ownership of the sign. He stated that he has talked to the State about procedures for taking over the sign and the permitted uses of the sign. He was told by the state that Emery County would need to write a request for him to take over ownership of the sign. He would then have to make application with the state to designate the sign as commercial use. The billboard sign was constructed by the County for a cost of approximately \$5,000.00 with a yearly lease of \$500.00 to the land owner for a five year period. Now the lease is \$800.00 a year. For a while the Travel Bureau was paying the yearly lease. It somehow has fallen through the cracks. The original use of the sign was for a gateway sign. The use needs to be zoned as commercial or industrial if the use is determined to generate revenue. Jeff Guymon, Planning and Zoning Director, indicated that if the ownership changes the new owner would need to acquire a conditional use permit from the county. The Commissioners agreed that to move forward with this they would need a lot more good information and determine how it affects everyone. They suggested looking over the old lease agreement and have discussions with UDOT who regulates all billboards in the state. Commissioner Paul Cowley made a motion to table this item to allow time to look into the matter and bring it back for another meeting. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(7)

CONSIDERATION AND APPROVAL OF MID-TERM APPOINTMENT TO THE EMERY COUNTY HOUSING AUTHORITY BOARD OF COMMISSIONERS.

Commissioner Migliori stated the County recently accepted the resignation of Jeff Horrocks

from the Emery County Housing Authority Board mid-term. State statute says that ideally the board can have 5 to 7 board members. The board is currently functioning with five members. The Commission would like to find two more residents willing to be appointed to the board. They have one resident who has applied to be on the board. Commissioner Migliori recommended appointing Rebecca Brotherson to the Housing Authority Board and try to get two more appointed in the next couple of meetings. Commissioner Ethan Migliori made a motion to appoint Rebecca Brotherson to the Emery County Housing Authority Board of Commissioners to replace Jeff Horrocks. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(8)

RATIFY OF GRANT FOR BULLETPROOF VESTS FOR SO TO REPLACE OLDER VESTS.

Sheriff Funk explained that bulletproof vests need to be replaced every three years. The Sheriff's Department has applied for a federal grant that will pay half of the cost and the other half will come out of seizure funds. The application needed to be sent in before the date of this meeting. Therefore, approval of the application process needs to be ratified. Commissioner Paul Cowley made a motion to ratify approval of a grant application for bulletproof vests for the Sheriff's Department to replace older vests. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(9)

CONSIDERATION AND APPROVAL OF 2016 PROPERTY TAX EXEMPTIONS.

American Legion
Post 42
#1-130-18

Castle Dale
Independent
Baptist Church

#01-002C-0013
Daughters of Utah

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Pioneers-Hunt #1-196-22	Orangeville City/ Housekeepers #1-239-52	Utah Housing / Crown Homes #1-168-4 #1-68-7 #1-29A-3 #1-29A-4
Daughters of Utah Pioneers-Orange #1-253-18	Rural Utah Child Development #1-180-20	
Daughters of Utah Pioneers-Elmo #1-72-16	Roman Catholic Church #3-50-16 #1-151H-25	Friends of Green River- PACT EPICENTER #1-162-7 #1-154A-22
Daughters of Utah Pioneers-CD #1-15-20		
Desert Edge Christian Chapel #01-179-1	Stuart B. Wilson Orient Lodge #1-151G-54	
Ferron Cattleman's Association #5-87-27		
First Baptist Church of Emery County #1-126-45	Rocky Mountain West Baptist Mission #5-94-6 #5-93-7 #5-94-3 #5-94-5	
Four Corners Mental Health #1-13-46	United Mine Workers Of America #4-16-14	
Green River Bible Church #1-151G-36 #1-151F-18&19	Utah Museum of Natural History/ University Of Utah #5-56-2 #3-130-3 #3-130-1 #3-127-1	
LDS Church various #'s		
Bread Of Life Baptist Church #1-177A-20		

Motion to approve the 2016 Property Tax Exemption List was made by Commissioner Ethan Migliori, seconded by Commissioner Paul Cowley and the motion passed.

(10)

CONSIDERATION AND APPROVAL TO RENT A D8T TRACTOR FOR DEBRIS BASIN.

Road Supervisor Wayde Nielsen explained that the equipment will be used to remove rocks from the Huntington Debris Basin. The rocks will be stockpiled to be used for the Cottonwood Creek mitigation project. The rental will be \$22,400.00 for 2 months and is an allowable expense under the stipulations of the Huntington Debris Basin Project. Commissioner Paul Cowley made a motion to approve rental of a D8T for the Huntington Debris Basin. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(11)

CONSIDERATION AND APPROVAL ALLOWING WEED/MOSQUITO EMPLOYEES TO TAKE COUNTY-OWNED VEHICLES HOME OVERNIGHT.

Cory Worwood, Weed & Mosquito Supervisor discussed a letter he forwarded to the Commissioners regarding Weed/Mosquito employees taking county-owned vehicles home overnight. He explained that according to the new vehicle policy he needs to get permission from the Commissioners to allow this. During the hot summer months they fog for mosquitos at night. To save travel time for the employees he would like permission to let them take the vehicle home. If they live in Ferron and are traveling to Huntington or beyond then they can go pick up the vehicle and return it to the shop but if they are fogging in Clawson, Ferron or Emery it would be advantageous to have the vehicle with them. Commissioner Paul Cowley made a motion to allow Weed & Mosquito to take county owned vehicles home if the shop is not between them and where they are fogging. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(12)

CONSIDERATION AND APPROVAL OF APPLICATION FOR FEDERAL ASSISTANCE SF-424 FOR EMERGENCY WATERSHED PROTECTION FY16 CASTLE DALE/ORANGEVILLE/COTTONWOOD CREEK.

Captain Kyle Ekker explained that this is the application process for federal assistance for emergency watershed protection of Castle Dale/Orangeville/Cottonwood Creek. This will start the process to get the contract and funds for the project. When the contract comes in he will bring it back to the Commission for signatures. The total project is estimated at \$4,515,000.00. Federal assistance \$3,465,000.00. The county portion \$1,050,000.00. The completion date for the project is December 14, 2016. Commissioner Ethan Migliori made a motion to approve of application for Federal Assistance SF-424 for Emergency Watershed Protection FY16 Castle

Dale/Orangeville/Cottonwood Creek. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(13)

RATIFY PUBLIC RECREATION EASEMENT AGREEMENT BETWEEN ROCKY MOUNTAIN POWER AND EMERY COUNTY FOR DES BEE DOVE TRAIL.

A Public Recreation Easement Agreement between Rocky Mountain Power and Emery County for Des Bee Dove Trail was considered. The application process with included this agreement needed to be sent in before the date of this meeting. Therefore, the agreement was signed before this meeting and now the signing of the agreement needs to be ratified. Commissioner Paul Cowley made a motion to ratify the signing of the Public Recreation Easement Agreement between Rocky Mountain Power and Emery County for Des Bee Dove Trail. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(14)

RATIFY GRANT APPLICATION WITH UTAH DIVISION OF PARKS AND RECREATION OFF-HIGHWAY VEHICLE PROGRAM STATE OHV GRANTS MOTORIZED TRAIL APPLICATION FOR FUNDING TO MAKE IMPROVEMENTS TO THE DES BEE DOVE TRAIL.

Commissioner Ethan Migliori discussed a Grant Application with Utah Division of Parks and Recreation Off-Highway Vehicle Program State OHV Grants Motorized Trail Application for funding to make improvements to the Des Bee Dove Trail. The trail improvement is contingent upon the \$57,000.00 funding coming through. Mark Williams OHV Club President has indicated where the match will be met. The local grazers and OHV club approve of the trail improvements. Commissioner Cowley stated that this will be a difficult trail and will be marked as highest difficulty on the trail maps. The gate will be closed during inclement weather to maintain safety and mitigate and liability. The application was signed before this meeting to meet a deadline. Commissioner Ethan Migliori made a motion to ratify the signing of an application with Utah Division of Parks and Recreation Off-Highway Vehicle Program State OHV Grant for funding to make improvements to the Des Bee Dove Trail. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(15)

DISCUSSION AND APPROVAL OF EXTRACT LOCATION FOR THE MINER'S MEMORIAL.

Dennis Ardohain and Lori Ann Larsen, Miner's Memorial Committee were present to discuss the exact location for the Miner's Memorial. Commissioner Cowley indicated that he has looked at the location originally thought to be best location for the memorial along with the contractor. They have determined some problems with this location. They would have to relocate the water

box, the slope of the lawn and retaining wall had issues. Jeff Guymon offered an extensive review of the lawn and they have determined the best location. Mayor Danny Van Wagoner discussed the zoning issues regarding the location. They discussed the fact that the monument has to be set back 12 feet from the sidewalk. Commissioner Paul Cowley made a motion to approve and set the location of the Miner's Memorial as determined. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(16)

CONSIDERATION AND APPROVAL OF EVENT COORDINATOR CONTRACT.

Commissioner Ethan Migliori made a motion to approve of Event Coordinator Contract with Holly Jorgensen. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(17)

CONSIDERATION AND APPROVAL OF DONATION TO EMERY COUNTY HOUSING AUTHORITY.

Commissioner Paul Cowley made a motion to approve a donation of \$10,000.00 to Emery County Housing Authority. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(18)

DISCUSSION AND APPROVAL OF AMENDED EMERY COUNTY FAIR VENDOR APPLICATION & AGREEMENT INSURANCE REQUIREMENTS.

Commissioner Migliori discussed the Emery County Fair Vendor Application and Agreement for insurance requirements. Commissioner Migliori suggested making adjustments to the application. He suggested adding two questions to the application. 1. Do you have insurance. If so include the policy carrier and number. If no, then they are to contact the Rec District who will refer them to a tenant user liability program. There they can purchase a tenant user policy for approximately \$40.00. The old application required a \$1million dollar policy which would have a premium that could be quite pricey for a small business. Commissioner Brady agreed with Commissioner Migliori that there needs to be a category based on the risk involved. He felt \$40.00 was reasonable and probably doable for a small business vendor. It is better for the county to do something than nothing. Brenda Tuttle asked 'Wouldn't the County want to be involved in this process rather than turn it over to the Rec District?'. 'The County should be checking to be sure the vendor has insurance.' Castle Dale City Mayor agreed. Mary Huntington added that if the vendor marks 'yes' they have insurance the County will need proof of that insurance. Commissioner Migliori explained that providing a certificate of insurance may cost as much as \$50.00 from the carrier. He recommended having the Rec Dist. collect the information and forward it to Mary for verification. Commissioner Ethan Migliori made a motion to approve the amended Emery County Fair Vendor Application & agreement for

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insurance requirements and work with Mary to verify the vendor qualifies with the application requirements. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(19)

CONSIDERATION AND APPROVAL OF RENTAL/LEASE AGREEMENT FOR TRACTOR TO BE USED TO MOW WEEDS ALONG COUNTY ROADWAYS.

Wayde Nielson, Road Supervisor discussed the rental of a John Deere 6175M Tractor using State Contract #PD1672 for their weed mowing from July 15th through October 14th at a cost of \$3,312.50. They would like to use Big B Equipment as the delivering dealer. Commissioner Paul Cowley made a motion to approve of rental/lease agreement for tractor to be used to mow weeds along county roadways. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(20)

CONSIDERATION AND APPROVAL OF AMENDMENTS TO EMERY COUNTY PERMANENT COMMUNITY IMPACT BOARD SHORT TERM LIST FY2016.

Two projects need to be added to the Emery County PCIB short term list. In Green River City a Natural Gas Feasibility/Economic Study and in Huntington City, ADA Compliance Restroom. Commissioner Ethan Migliori made a motion to approve of amendments to the Emery County Permanent Community Impact Board Short List. The motion was seconded by Commissioner Paul Cowley. The motion passed.

Commissioner Ethan Migliori made a motion to leave the regular meeting and move into an executive session to discuss pending or reasonably imminent litigation involving Centrally Assessed Taxes and at the conclusion of the session to return to the regular meeting. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(21)

EXECUTIVE SESSION TO DISCUSS PENDING OR REASONABLY IMMINENT LIGATION INVOLVING CENTRALLY ASSESSED TAXES.

Present at an Executive Session was Commissioners Brady, Migliori, and Cowley, Attorney Mike Olsen, Treasurer Steven Barton, Clerk/Auditor Brenda Tuttle, Deputy Clerk/ Auditor Carol Cox, and legal council Thomas Peters.

(22)

ELECTED OFFICIALS REPORT.

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Nothing was reported

(23)
ADJOURNMENT

The meeting was adjourned.

ATTEST: _____ COMMISSIONER: _____