

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

OCTOBER 28, 2014

Present at the meeting was Commission Chairman Jeff Horrocks, Commissioner JR Nelson, Commissioner Ethan Migliori, Attorney David Blackwell, 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 # 233046 through and including # 233140 was presented for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
61-14	(3) Arlington benches for courthouse front Courthouse	\$4,755.21
62-14	7X16 Pace Cargo Sport enclosed trailer Sheriff- EMPG	\$5,400.00
63-14	2015 Polaris Ranger 900 Crew Sheriff-EMPG (With Trade-Ins)	\$1,779.59

Dispositions were presented for the following:

255-9399, 2008 Rokon	255-8690, 2006 Arctic Cat 650X
209-8432, 2005 Kawasaki	209-8431, 2005 Kawasaki
209-8433, 2005 Kawasaki	209-8430, 2004 Kawasaki
210-7087, 2000 Honda TRX	210-7088, 2000 Honda TRX
212-6708, 1998 Honda TRX	210-5762, 1988 Honda TRX
210-5763, 1988 Honda TRX	212-6709, 1998 Honda TRX
148-1397, Vornad heater	

(2)

APPROVAL OF OUT OF STATE TRAVEL FOR TWO SHERIFF DEPARTMENT EMPLOYEES TRAVELING TO PELLA, IOWA TO PICK UP EQUIPMENT.

(3)

APPROVAL OF COMMISSION MEETING MINUTES DATED OCTOBER 14 & 20, 2014.

Commissioner JR Nelson made a motion to approve the Consent Agenda eliminating #2 on the Consent Agenda. The motion was seconded by Commissioner Jeff Horrocks. Commissioner Migliori abstained from voting as he was not present at the last meeting. The motion passed.

DISCUSSION AGENDA

(1)

ITEMS PULLED FROM CONSENT AGENDA

Nothing was pulled for discussion.

(2)

PRESENTATION OF EMPLOYEE OF THE MONTH.

Commissioner Migliori presented Employee of the Month to Maegan Wilberg. Maegan began working for Emery County November 26, 2011. She was hired as a sales clerk at the Museum of the San Rafael and was promoted to Museum Director in 2014. She has changed the museum hours to make the museum more accessible to visitors and established internet presence for the museum posting displays and events on Facebook. The museum has hosted A Night at the Museum, Folk Art Festival, and Dinosaur Camp. Maegan has written and been successful in obtaining grants for a new Kid's Corner at the museum, the Mammoth exhibit, and one to develop brochures outlining day trips to area attractions. Maegan was presented with a plaque of appreciation and Emery County Business Chamber Bucks.

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(3)

JAMES HUGGARD, DISCUSSION OF FLOODING ISSUES OF THE COTTONWOOD CREEK AND POSSIBLE SOLUTIONS.

James Huggard and Mark H. Williams came before the Board of Commissioners to discuss flooding issues of the Cottonwood Creek. Mr. Williams provided a history of issues regarding the 24 acres of property he owns along the Cottonwood Creek. He indicated that over the years he has given the county easements for numerous functions. In 1986 there was a big flood that culverts could not hold so the county put in a dip to help with the flow of the creek. He indicated he has 24 acres with sewer lines and two drainage lines and other things on his property. This is the first year in 65 years that the flood has ever come out of the river and flooded this far out into his property. He indicated he has given and given to the county and feels that the county should help him out. Neighbors are getting tired of losing hay, corrals and fencing to flood water. The county did not come down and clean out the grate until the day of this last flooding incident, when the grate at the dip filled with debris. Everybody scrambled down to clean it out, moving the water down the creek. However, not before some damage was done. Mr. Huggard indicated that he bought the property from Mr. Williams about three years ago. Mr. Huggard stated that since he has owned the property he estimates he has lost approximately \$5,000.00 a year to flood damage from the Cottonwood Creek flooding onto his property. He asked that the County consider clearing out the dip in the creek that recently filled with logs and debris from the storms of August. He stated that if the dip was functioning correctly the flooding would not have occurred. Mr. Huggard asked if it was possible to request a 404 permit from the Army Corp of Engineers? Johansen & Tuttle Engineering suggested that they were willing to look at it and work through the process of application for approximately \$1,000.00. The question of funding was discussed as well as whether a 404 permit was necessary. Captain Ekker as Emergency Management Director agreed to look at mitigation options.

(4)

BID OPENING- OPEN AND READ ALOUD BIDS FOR SCRAP METAL PILE. CONSIDERATION AND APPROVAL OF BID AWARD AND ASSOCIATED PAPERWORK.

Bids were opened and read aloud for scrap metal pile at the landfill.

- |    |                          |                  |
|----|--------------------------|------------------|
| 1) | Superior Metals          | \$ 85.00 per ton |
| 2) | Western Metals Recycling | \$131.50 per ton |

Commissioner JR Nelson made a motion to award the bid for scrap metal to the highest bidder, Western Metals Recycling. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

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(5)

COMMISSION AND DIRECT CLERK/AUDITOR TO CONDUCT A PHYSICAL AUDIT OF ALL COUNTY FIXED ASSETS.

Clerk/Auditor Brenda Tuttle requested and received direction to conduct a physical audit of all county fixed assets.

(6)

CONSIDERATION AND APPROVAL OF ENGINEERING CONTRACT FOR THE CLEVELAND LIBRARY PARKING LOT PROJECT 2014.

Brandon Brady, Johansen & Tuttle Engineering presented a contract in the amount of \$5,000.00 for the Cleveland Library Parking Lot Project 2014. He explained that the contract is for the design and construction of ADA stalls in the parking lot to bring it up to ADA requirements. Library Director Carole Larsen indicated that the project is approved in the Library budget. Commissioner JR Nelson made a motion to approve an engineering contract with J&T Engineering for the Cleveland Library Parking Lot Project 2014 in the amount of \$5,000.00. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(7)

DISCUSSION OF ADVERTISING FOR PUBLIC DEFENDER REQUEST FOR PROPOSALS.

Commissioner Horrocks indicated that the Emery County Commission has received a request from a legal firm asking Emery County to consider requests for proposals for public defender service. The Commissioners discussed whether there was a need to advertise for proposals. The consensus was that they were content with the service being provided at this time.

(8)

CONSIDERATION AND ADOPTION OF THE EMERY COUNTY EMERGENCY OPERATIONS PLAN.

Captain Kyle Ekker explained that the Emergency Operations Plan is a working document that is subject to change. It has been designed for the cities to adopt also. This plan has to be in place in the event of a disaster in order to receive assistance from FEMA. Commissioner Ethan Migliori made a motion to adopt the Emery County Emergency Operations Plan. The motion was seconded by Commissioner JR Nelson. The motion passed.

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(9)

CONSIDERATION AND APPROVAL OF FY2015 TENTATIVE BUDGET FOR EMERY COUNTY AND CASTLE VALLEY SPECIAL SERVICE DISTRICT. SETTING OF PUBLIC HEARING FOR COMMENTS ON THE FY2015 BUDGETS.

Clerk/Auditor Brenda Tuttle presented the Tentative Budget FY 2015 for Emery County. She explained that the budget is similar to last years. Commissioner Ethan Migliori made a motion to approve the Tentative Budget for FY2015 for Emery County. The motion was seconded by Commissioner JR Nelson. The motion passed.

Commissioner Ethan Migliori made a motion to approve the Tentative Budget for FY2015 for Castle Valley Special Service District. The motion was seconded by Commissioner JR Nelson. The motion passed.

December 16, 2014 at 6:00 pm was the date and time set for a public hearing to receive comments on the 2015 budgets.

(10)

DISCUSSION OF PROCEDURE FOR AMENDING THE EMERY COUNTY ZONING ORDINANCE SECTIONS 6 AND 11. POSSIBLE SETTING OF A PUBLIC HEARING FOR COMMENTS ON THE PROPOSED AMENDMENTS.

Planning and Zoning Committee Chairman Mac Huntington came before the Board of Commissioners to request that a Public Hearing be set to receive comments on proposed amendments to Sections 6 and 11 of the Emery County Zoning Ordinance. He added that changes to land use activity in the Zoning Ordinance requires a public hearing. November 25, 2014 at 10:00 am was set for a public hearing to receive comments on amendments to the Emery County Zoning Ordinance.

(11)

LORI LARSEN, DISCUSSION OF MINER'S MEMORIAL IN EMERY COUNTY.

Dennis Ardohain and Lori Larsen discussed plans to construct a Miner's Memorial in Emery County. They are currently working on putting a Miner's Memorial in Carbon County. They are a 5013C for rural Utah. They have an account set up at UP&L Credit Union where they have had sponsors donate funds to construct the memorials in Carbon and Emery Counties. They are working on a grant to go to CIB for funding. They have so far collected 1370 names of miners who have perished in mining incidents in Carbon County. They invited Emery County to participated in discussions for a place to put a memorial and names of fallen miners in Emery

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County. They are associated with Friends of Coal and gained support during the recent Coal Rally held in Carbon County. They will be sponsoring fund raisers throughout the coming year. They have planned a trip to the State Capital with Senator David Hinkins in February 2015. They are seeking sponsors to assist with financing the memorials.

(12)

CONSIDERATION AND APPROVAL OF STATEWIDE MEMORANDUM OF AGREEMENT FOR THE SPECIAL NEEDS REGISTRY.

The Special Needs registry falls under the direction of the Sheriff's Department. The Statewide Memorandum of Agreement was developed to assist local emergency managers in their efforts to plan for and respond to the needs of individuals and facilities requiring special assistance in the event of a disaster. Commissioner Ethan Migliori made a motion to approve of Statewide Memorandum of Agreement for the Special Needs Registry. The motion was seconded by Commissioner JR Nelson. The motion passed.

(13)

CONSIDERATION AND POSSIBLE APPROVAL OF COMMISSION TAX ADJUSTMENT FOR MARVIN/COLLEEN JENSEN.

The Board of Commissioners received a request for Commission Tax Adjustment from Marvin and Colleen Jensen. They missed the deadline for handing in the application. In their request they indicated that they have had several health issues. Commissioner Migliori expressed concern that if they approve this request they will be opening the door for others who come in with special circumstances. They have been given every opportunity to take advantage of the program. Commissioner Ethan Migliori made a motion to deny a request from Marvin and Colleen Jensen for a Commission Tax Adjustment. The motion was seconded by Commissioner JR Nelson. The motion passed.

(14)

COMMISSION/ELECTED OFFICIALS REPORT.

*Commissioner Nelson*

Commissioner Nelson reported on the Forest Plan and efforts from the grazers in the county to keep the grazing on the forest from changing during the plan process. Division of Natural Resources conducted a bus tour and invited a few grazers to attend. Over 60 grazers from as far away as Fountain Green attended. Letters from Governor Herbert and UAC Attornies have been

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added to the comments being received by the plan committee. Commissioner Nelson will be adding comments as a grazer and a citizen. The Salt Lake City Climbers Alliance is collecting scientific data

Emery Water Conservancy District and PacifiCorp and Bureau of Reclamation contract is on a one year extension.

*Commissioner Migliori*

Commissioner Migliori reported that Jake Atwood and the Rodeo Committee received a national award, “ Best Small Rodeo Award”. He reported on changes in the Emery County Care and Rehabilitation Center. They have been working on fine tuning their operations at the center and are in a much better position with better productivity.

He reported on attending an excellent Coal Symposium where the focus was on changes in coal and the new future for coal.

He reported on the Economic Development Committee and their efforts to assist small businesses in Emery County with loans to assist in local business development. He reported that Mike McCandless is no longer working for Emery County, he has new employment with Epic. He added that Mike has been a good asset for Emery County and he appreciated his service for the county. The Travel Bureau is making preparations for travel shows that begin the first of the year.

Janet Petersen, who has been a figure in the forefront of the Museum of the San Rafael for many years, is retiring. On November 4 there will be a luncheon to honor her service.

He reported on the progress of the Huntington State Park/Huntington City Trail under the direction of the Trails Committee.

*Commissioner Horrocks*

Commissioner Horrocks attended a bus tour of the Hunter Power Plant with several Washington delegation staff members, Senate Representatives Hinkins and VanTassel and others. The purpose was to educate the rest of the state as to the need for power plants and especially coal fired power plants.

He reported on the success of the recent Coal Rally held in Carbon County. There was a good response with approximately 5,000 people attending.

There was a fire at one of the housing units in Castle Dale. HUD is looking into how to rebuild the unit.

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(15)

ADJOURNMENT

The meeting was adjourned.

ATTEST: \_\_\_\_\_ COMMISSIONER: \_\_\_\_\_