

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

NOVEMBER 3, 2015

Present at the meeting was Commission Chairman Ethan Migliori, Commissioner Keith Brady, Commissioner Paul Cowley, 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 #238449 through and including #238540 were presented for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
53-15	Fencing at Huntington TV/Communication site Communications/Sheriff	\$2,686.72
54-15	18" Asphalt Cutter Highway	\$2,950.00
55-15	Plat Hanging File Cabinet Recorder	\$ 658.46

Dispositions were presented for the following:

210-5046, Stair Stepper, 211-1407, HP Printer, 316-9105, 2007 Dodge Durango.

(2)

APPROVAL OF COMMISSION MEETING MINUTES DATED OCTOBER 20, 2015.

Commissioner Keith Brady made a motion to approve the Consent Agenda. The motion was seconded by Commissioner Paul Cowley. The motion passed.

## DISCUSSION AGENDA

(1)

### ITEMS PULLED FROM THE CONSENT AGENDA

Nothing was pulled for discussion.

(2)

### KENT WILSON AND WADE WILLIAMS, DISCUSSION OF CURRENT LANDFILL TIPPAGE FEE IMPLEMENTATION AND DRAFT AMENDED TIPPAGE FEE RESOLUTION. APPROVAL OF ANY ACTION TAKEN REGARDING THESE ISSUES.

Several concerned citizens and contractors were present to express concerns regarding the current landfill tippage fee implementation. Commissioner Cowley started by commenting that the cost to keep the Landfill going is approximately \$260,000.00 per year. The landfill has been looking at replacing some costly equipment. He indicated that in looking at past discussions he has found that the agreed upon tippage fee of \$15.00 per ton had not been implemented. Commissioner Migliori indicated that in 2009 a resolution was agreed upon wherein; a tippage fee of \$15.00 per ton was set for the landfill. We want to move forward with implementing the tippage fee and wanted to get some suggestions from those who are affected by the fee.

Wade Williams, City Sanitation indicated that since the 2009 tippage fee was set his company has been paying the fee. At that time the tippage fee was set up for construction demolition big bins. Discussion was, with the former Commissioners, that the cities would be exempted from paying for the roll-offs since that cost would be passed on to the residents. He expressed his concern with the fact that there was no notification that there was going to be this huge increase. This is going to be a 20% to 30% price increase for everyone involved. The first notification he had was last Tuesday morning when his truck arrived at the landfill to dump and was told as of now they are charging a \$15.00 per ton fee to dump at the landfill. He indicated he has not had time to notify the cities of a rate increase. His contract with Green River City states he has to give the city 60 days written notice before a rate increase and the city has 60 days to reply. He stated he felt that it was not fair that the commercial haulers will be charged and the individual or smaller generators will not. The citizens who live the farthest from the landfill will be impacted the greatest. Green River, Elmo, Cleveland, Ferron, and Emery have roll-offs in their cities for residents to use and we contract with the cities to haul off the roll-offs. His other issue is that the tickets are hand written tickets. There is no invoice number or way to track the ticket for accounting purposes. The main point is that this will be a huge increase to everybody in the county.

Commissioner Brady asked Mr. Williams the cost for a roll-off to be hauled to the landfill in Green River City. Mr. Williams indicated that there are different rates set up with each municipality.

Hilary Gordon, Mayor of Huntington City stated she understands the need for the money. She stated she did not care for the way it was done saying that to her, it was very unprofessional. The

rate was set back in February of 2009 and now we are at the end of 2015. Some kind of a written notice to the cities and certainly to the garbage collectors would have been professional. She felt that they should not be held accountable for the fees that you have already put on them when they were not expecting it and have not had the opportunity to pass that cost on to the cities. Obviously the cost will be passed on to the citizens. She felt we have the most reasonable rates in the state of Utah. She stated she is not complaining about the fees she felt she understands the need for it but it needs to be done professionally. The cities need time to take the issue before their councils and citizens. She stated she felt the charges that have already been passed on need to be done away with until this can be done in the correct manner.

Trent Jackson, Mayor of Ferron City stated he understands the cost of operation and funds are decreasing everywhere. Based on preliminary figures that were passed on to them from City Sanitation just in September it would have cost the city an extra \$1,400.00 for that month. That is money that is not currently budgeted. Ferron City would have to raise the cost per can to try and recover that. It would have been better to give them some kind of notification. He is concerned for what is going to be done about the garbage that is going to be dumped in the outlying areas, out side of town, when the roll-offs are pulled out of the city because they can not pay for them. He asked if the county has a plan for dealing with that issue?

Commissioner Migliori commented that so far the county has been able to finance the cost of keeping the landfill going without passing along that cost to the citizens. So far we have been able to fund the cost of keeping equipment maintained at the landfill. Last year we needed a \$600,000.00 piece of equipment at the landfill that we were eventually able to find the funds to purchase. There may come a day when the county will not be able to continue to fund the needs of the Landfill. He indicated he would rather see the county implement the fee now while the county is still healthy. Proposition 1 will increase the road tax and will generate approximately \$244,000.00 additional dollars from the state into the county to help it grow. Some of those funds may be moved around to increase the budget of the landfill.

Kent Wilson, Emery Sanitation stated that he thought this was a done deal and we were going to talk about implementation of the fee. If you implemented this last week it would cost me \$6,000.00 to \$7,000.00 before he can redo contracts and pass that cost along to the cities. He stated he would like to see them wait until January or February to implement the fee to allow time to work with the cities that he is contracted with. He stated he would like to see a separate fee for the roll-offs that each city has. He stated that the roll-offs are a wonderful tool for keeping the cities beautiful. A discounted fee for the cities to provide the roll-off would be great. The reality is that citizens can haul debris to the landfill for nothing. The roll-offs are a convenience for the cities and the citizens.

Wayde Nielsen, Road Supervisor stated that the tippage fee is not the big issue here it is determining who is a contractor and who is not a contractor. Right now the contractors are not being charged because they are having the resident order the roll-off (who doesn't have to pay) to avoid being charged. Roll-offs are positioned in transfer stations in the county where people can unload a truck load of debris. He indicated that the roll-offs are not sorted which leads to another problem.

We have one person at the Landfill to sort all of the debris that gets dumped into the roll-offs.

Commissioner Migliori indicated that is an internal issue.

Wayde concluded by saying that last time we tried to implement the fee everyone was given a warning it all blew up and nothing was done. Something has to happen now.

Commissioner Migliori discussed the current Resolution and the fees associated with the document. He wondered if they needed to enforce the current resolution or adjust the fees with a new resolution?

Commissioner Cowley suggested going with the fees as they are set now at \$15.00 per ton and waving the start time for the fees to be implemented to the first of the year 2016.

Commissioner Brady indicated he would like to explore enterprise zone designation to see if the landfill could be self sustaining.

Commissioner Migliori commented that we have to make sure the policy is done right to avoid dumping on public land.

Commissioner Migliori suggested having a new drafted resolution ready to consider in the December 15<sup>th</sup> Commission Meeting.

Commissioner Keith Brady made a motion to conduct business as usual until December 15<sup>th</sup> when the Commission will have a draft ready to consider after working through some issues. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(3)

RATIFY APPROVAL TO ADVERTISE FOR SCRAP METAL BIDS.

In the last Commission Meeting the Commissioners decided to wait and see if the price of scrap metal will come back up. The matter was tabled. There was a mis-communication and the advertising went out for scrap metal bids. This action now needs to be ratified. Commissioner Keith Brady made a motion to ratify the advertising for bids for scrap metal at the Landfill. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(4)

OPEN BIDS FOR SCRAP METAL PILE AT LANDFILL. CONSIDERATION AND APPROVAL OF AWARING BID/CONTRACT AND ASSOCIATED PAPERWORK.

One bid came in for the scrap metal pile at the Landfill. The bids was from Western Metals Recycling L.L.C. in the amount of \$16.00 NT. Commissioner Migliori stated that is a very low bid. He asked Wayde Nielson, Road Supervisor if they could leave the metal pile alone for a while to wait and see if the cost will come back up? Wayde indicated that the pile is getting big

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and if the inspector comes around they may get fined. The Commissioners decided to move forward with the bid. Commissioner Keith Brady made a motion to accept the bid from Western Metals in the amount of \$16.00 NT. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(5)

CONSIDERATION AND APPROVAL OF RESOLUTION AMENDING MINERAL LEASE REVENUE (MMS) AND STATE MINERAL DEVELOPMENT REVENUES (SITLA) RESOLUTIONS 4-6-99A AND 4-01-08B

Tabled

(6)

CONSIDERATION AND APPROVAL OF STANDARD AGREEMENT/CONTRACT WHERE EMERY COUNTY WOULD PAY A PORTION OF EMT TRAINING FEES AND PROVIDE A METHOD OF REIMBURSEMENT.

Tabled

(7)

DISCUSSION AND POSSIBLE APPROVAL FOR MEAGAN WILBERG TO ACCEPT AN INVITATION TO BECOME A MEMBER ON THE UTAH STATE MUSEUM ASSOCIATION BOARD.

Museum of the San Rafael Director Meagan Wilberg discussed an opportunity to become a member on the Utah State Museum Association Board. She indicated that it would involve 37 hours a year and cost \$2,000.00 per year which includes her pay, and travel to the meetings. There are 5 board meetings a year mostly in the Salt Lake area. The duration of the appointment would be 2 to 4 years. She believed that the benefit to being a member of the association would be to better help her understand the museum, find out about funding opportunities and promotion tools. Commissioner Migliori stated he felt it could be a connection to get unique exhibits to the MOSR as well as artifacts/history back to Emery County. Commissioner Keith Brady made a motion to approve for Meagan Wilberg to accept an invitation to become a member on the Utah State Museum Association Board. The motion was seconded by Commissioner Paul Cowley. The motion passed.

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(8)

CONSIDERATION AND POSSIBLE APPROVAL OF A LOW INCOME PROPERTY ABATEMENT FOR RYAN COWLEY, PARCEL NUMBER 01-0194-0016, AND BLAIR LARSEN, PARCEL NUMBER 03-9956-0006. DISCUSSION OF AMENDING FORM REQUIRING MORE INFORMATION FOR 2016.

Commissioner Brady indicated that he has done some homework on this matter. He has spoken with both individuals. Commissioner Brady suggested a 25% reduction on their property taxes for 2015 and work with Clerk/Auditor Brenda Tuttle to revise the form for 2016. Commissioner Keith Brady made a motion to approve of a low income abatement of 25% of the total tax owed for Ryan Cowley and Blair Larsen. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(9)

CONSIDERATION AND APPROVAL OF VETERAN PROPERTY TAX EXEMPTION FOR THOMAS AND SHLISA HUGHES PARCEL NUMBER 01-151H-0032.

Commissioner Keith Brady made a motion to approve of Veteran Property Tax Exemption for Thomas and Shlisa Hughes. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(10)

CONSIDERATION AND APPROVAL OF COMMISSION TAX ADJUSTMENT FOR RUSSELL K. EARDLEY PARCEL NUMBER 01-0244-0016.

Kris Bell, Assessor requested a Commission Tax Adjustment for Russell K. Eardley. She explained that there was a name change in error through a divorce. Mr. Eardley owns the land and farms it. Due to the error there was a rollback in the amount of \$6,678.82. She requested the rollback be removed and the property returned to Green Belt. Previous tax dollars were \$1,467.39, new tax dollars, if approved would be \$103.68. Commissioner Keith Brady made a motion to approve of Commission Tax Adjustment for Russell K. Eardley parcel #01-0244-0016 as requested by Assessor Kris Bell. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(11)

CONSIDERATION AND APPROVAL OF ARTICLES OF AGREEMENT FOR FY2015 HOMELAND SECURITY GRANT PROGRAM AND UTAH DIVISION OF EMERGENCY MANAGEMENT OBLIGATING DOCUMENT FOR AWARD.

Sheriff Greg Funk explained that this is a standard agreement in combination with Carbon County. Commissioner Keith Brady made a motion to approve Articles of Agreement for

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FY2015 Homeland Security Grant Program and Utah Division of Emergency Management and approved signing the obligating document for award. The motion was seconded by Commissioner Paul Cowley. The motion passed. The funds that come in are split between Carbon and Emery Counties according to the programs that they have planned for that year.

(12)

CONSIDERATION AND APPROVAL OF CONTRACT WITH JOHANSEN AND TUTTLE ENGINEERING FOR ENGINEERING SERVICES FOR PERFECTING EASEMENTS TO BENEFIT SITLA LAND AT THE GREEN RIVER CITY INDUSTRIAL PARK, 2015.

Jordan Leonard explained that this is an agreement that the county has with SITLA for perfecting easements that benefit SITLA land at the Green River City Industrial Park. The contract is in the amount of \$14,000.00 for Johansen & Tuttle Engineering for engineering services on this project. We have to use the funds this year or lose them. Commissioner Paul Cowley made a motion to approve of contract with Johansen & Tuttle Engineering for engineering services for perfecting easements to benefit SITLA land at the Green River City Industrial Park. The motion was seconded by Commissioner Keith Brady. The motion passed.

(13)

CONSIDERATION AND APPROVAL OF CONTRACT WITH PAYNE RELIEF, LLC FOR WORK ON THE EMERY COUNTY RESOURCE MANAGEMENT PLAN.

Ray Petersen, Public Lands Director explained that Mr. Payne has been working on the development of the county's resource management plan. There are 28 issues that need to be addressed and included in the county's general plan. This is a considerable effort and he feels comfortable with the work Mr. Payne is doing. This contract will allow Mr. Payne to continue with his work on the plan. Commissioner Paul Cowley made a motion to approve of contract with Payne Relief, LLC for work on the Emery county Resource Management Plan. The motion was seconded by Commissioner Keith Brady. The motion passed.

(14)

RATIFY LETTER AUTHORIZING EMERY COUNTY SHERIFF'S OFFICE TO APPLY FOR A GRANT FROM WAL-MART FOUNDATION FOR SHOP WITH A COP PROGRAM.

Sheriff Funk explained that the Shop With A Cop Program involves 7 elementary schools in Emery county with 2 students chosen from each school. The Sheriff's Department will be hosting a fun run called "Miles for Smiles" to raise money for the program. Commissioner Keith Brady made a motion to ratify the authorization for the Emery County Sheriff's Office to apply for a grant from Wal-Mart Foundation for Shop with a Cop Program. The motion was seconded by Commissioner Paul Cowley. The motion passed.

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(15)

CONSIDERATION AND APPROVAL OF AMENDED AGREEMENT BETWEEN EMERY COUNTY SCHOOL DISTRICT AND EMERY COUNTY FOR USE OF THE AQUATIC CENTER.

Tabled

(16)

CONSIDERATION AND APPROVAL OF AMENDING RESOLUTION NO. 7/1/92B DESIGNATING AND APPOINTING MEMBERSHIP OF THE ADMINISTRATIVE CONTROL BOARD OF THE EMERY COUNTY FIRE PROTECTION SPECIAL SERVICE DISTRICT.

Tabled

(17)

COMMISSION/ELECTED OFFICIAL REPORT.

*Commissioner Cowley*

Commissioner Cowley reported that he and Brenda Tuttle met with the Senior Citizens Director regarding how the program is running.

*Commissioner Brady*

Commissioner Brady reported that the Green River Golf Course is hosting a disc tournament this week. If it is successful they will host another one in the spring. Punch Passes are available for purchase at the Aquatic Center. The passes will be good for lap swimming, aquasize and showers.

*Commissioner Migliori*

Commissioner Migliori read a letter from KUED regarding digital channels. There is a possibility the translators that service rural Utah areas will be shut down eliminating free TV for rural Utah.

Treasurer Steve Barton was asked to report on the county's investments. He indicated that we are experiencing double what PTIF was doing.

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(18)

ADJOURNMENT

The meeting was adjourned.

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