

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

JANUARY 5, 2016

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 # 239096 through and including #239113 was presented for payment.

There were no requisitions or dispositions.

(2)
APPROVAL OF COMMISSION MEETING MINUTES DATED DECEMBER 15, 2015.

(3)
APPROVAL OF BUSINESS LICENSE FOR BERWICK ELECTRIC COMPANY.

(4)
NOTIFICATION. WAYNE SENN HAS BEEN SELECTED AS A PART TIME JANITOR FOR THE GREEN RIVER LIBRARY.

(5)
APPROVAL OF JAMIE PEACOCK TO BE A VOLUNTEER AT THE CASTLE DALE LIBRARY.

(6)
APPROVAL AUTHORIZING JEFF GUYMON A 3% MERIT INCREASE FOR ACCEPTING THE PLANNING AND ZONING ADMINISTRATOR RESPONSIBILITIES BACK IN JULY 2015. EFFECTIVE FIRST PAY PERIOD IN 2016.

2

Commission Meeting Minutes
January 5, 2016

(7)

APPROVAL AUTHORIZING NADINE THOMPSON A 6% MERIT INCREASE FOR INCREASED RESPONSIBILITIES WHEN THE SR. APPRAISER RETIRED AND THE POSITION WAS NOT BACKFILLED. EFFECTIVE FIRST PAY PERIOD IN 2016.

(8)

APPROVAL AUTHORIZING GARRETT STILSON AND JESSICA OLSEN (LIFEGUARDS) A 3% WAGE INCREASE FOR SUCCESSFUL COMPLETION OF THE 6 MONTH ORIENTATION PERIOD.

(9)

APPROVAL AUTHORIZING CLAIR MALDONADO A 3% WAGE INCREASE FOR SUCCESSFUL COMPLETION OF THE 6 MONTH ORIENTATION PERIOD.

(10)

RATIFICATION OF EMERY TOWN APPOINTMENT OF JUSTIN CHILD TO THE EMERY COUNTY FIRE PROTECTION SPECIAL SERVICE DISTRICT.

(11)

RATIFY OUT OF STATE TRAVEL TO LAS VEGAS, NEVADA FOR RAY PETERSEN TO ATTEND COLORADO RIVER WATER USER ASSOCIATION CONFERENCE DECEMBER 16-18, 2015.

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

DISCUSSION AGENDA

(1)

ITEMS PULLED FROM THE CONSENT AGENDA

Nothing

(2)

APPROVAL OF CHAIRMAN FOR 2016

Commissioner Paul Cowley made a motion to appoint Commissioner Keith Brady as Commission Chair for 2016. Commissioner Ethan Migliori stepped down to second the motion.

The motion passed.

(3)

CONSIDERATION AND APPROVAL OF COMMISSION RESPONSIBILITIES FOR 2016.

Commissioner Keith Brady Commissioner Paul Cowley Commissioner Ethan Migliori
Chairman

Animal Control	Airport	AOG
Aquatic Center	BLM/RAC	Attorney
CCP	Children's Justice Center	Assessor
Clerk/Auditor	CV Conservancy District	COG
DWR/RAC	ECSSD#1	Care Center
GR Conservancy District	Historic Preservation	Consultants
GR Medical Center	Lawrence Cemetery	County Facilities
ITS/GIS	Library	CVSSD
Justice Court	NEWU District	Extension/USU
Local Emergency Planning	Road Department/Landfill	Personnel/Insurance
Public/Mental Health	Senior Citizens	Planning/Zoning/Bldg.
Six County Coalition	Treasurer	Recorder/Archives
Sheriff/homeland Security	Water Conservancy	Recreation Dist./Fair
Travel Bureau	Weed/Mosquito	Scenic Byways
TV/Communications	USFS	Housing Authority
Events Coordinator	Ambulance/EMTs	Museum
		SITLA
		EC Incentive Board

Shared Responsibilities

ECBC*	ECBC	ECBC
Economic Development	Economic Development	Economic Development*
	Fire District*	Fire District
LBA	LBA*	LBA
Public Lands	Public Lands*	Public Lands
State Parks		State Parks*
Trail*		Trails

* Point of Contact

Motion to approve the Commissioner Responsibilities for 2016 was made by Commissioner Paul Cowley, seconded by Commissioner Keith Brady and the motion passed.

4

Commission Meeting Minutes
January 5, 2016

(4)

PRESENTATION OF EMERY COUNTY EMPLOYEES SERVICE AWARDS.

The Board of Commissioners presented service awards for years of service as Emery County employees as follow:

40 Years

Flora Motte, Library

30 Years

Loyette Holdaway, Library
Douglas Downard, Sheriff's Department
Thomas Harrison, Sheriff's Department
Leslie Wilberg, Sheriff's Department
Steve Kemple, Road Department

25 Years

Roxanne Jensen, Library
Bonnie Day, Library
Michael Jorgensen, Sheriff's Department
Brook Smith, Sheriff's Department

20 Years

Kristine Bell, Assessor
Nadine Thompson, Assessor
Carol Cox, Clerk/Auditor
Janette Brady, Road Department
Stanley Kay Jensen, Sheriff's Department

15 Years

Jeff Guymon, IT
Coby Hunt, Road Department
Mick Robinson, IT

10 Years

Kurt Price, Sheriff's Department
Robert Riley, Sheriff's Department
Clinton Olsen, IT
Mary Huntington, Personnel
Natalie Humphrey, Road Department
Marilyn Olsen, Library
Dustin Deto, Road Department

5 Years

Keaton Cowley, Sheriff's Department
Molly Barnes, Sheriff's Department

(5)

CONSIDERATION AND APPROVAL OF SPONSORSHIP AGREEMENT WITH
CHADWICK BOOTH & CO. FOR THE COUNTY SEAT.

Attorney Mike Olsen indicated he was not sure he was comfortable with the contract and would like to question Mr. Booth on some aspects of the contract. He requested the Commissioners table this matter to allow time to contact Mr. Booth or have him attend the next meeting. Commissioner Keith Brady made a motion to table approval of sponsorship agreement with Chadwick Booth & Co. for the County Seat. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(6)

DISCUSSION AND CONSIDERATION OF APPROVAL OF EASEMENT FOR THE
PURPOSE OF THE CONSTRUCTION, OPERATION, REPAIR AND MAINTENANCE OF A
ROADWAY AND UTILITIES IN THE GREEN RIVER INDUSTRIAL PARK LOCATED ON
SITLA LAND.

Jonathon Johansen, Johansen & Tuttle Engineering discussed an easement for the purpose of the construction, operation, repair and maintenance of a roadway and utilities in the Green River Industrial Park located on SITLA land. He indicated that he has been working with SITLA and private owners to ensure that they can tie into the property. They are still working on utility easements. Attorney Mike Olsen asked what is the plan for the Industrial Park? How many years are we looking at? Jonathon indicated that within the next 5 to 10 years they expect have the parcels ready for purchase by companies. The hope is, that now that the Industrial Park is established, Green River City will annex it into the city and it will be their responsibility. He anticipated that happening within this year. Commissioner Brady asked if companies will be buying the property from SITLA? Jonathon answered 'yes'. Economic Development Director, Jordan Leonard stated that when the land is bought Emery County will receive 10% for the purpose of construction of infrastructure. Commissioner Migliori asked that J&T work with Jordan Leonard to be sure that the easement is recorded with the Recorder's office. Commissioner Keith Brady made a motion to approve the easement for the purpose of the construction, operation, repair and maintenance of a roadway and utilities in the Green River Industrial Park located on SITLA land. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(7)

DISCUSSION AND APPROVAL OF HUNTINGTON AIRPORT MANAGEMENT CONTRACT.

Commissioner Paul Cowley asked to table this matter.

(8)

CONSIDERATION AND APPROVAL AUTHORIZING SIX COUNTY INFRASTRUCTURE COALITION TO OBTAIN A COPY OF THE HUNTINGTON AIRPORT LAYOUT PLAN FROM UTAH DIVISION OF AERONAUTICS.

Collin Fausett representing the Six County Infrastructure Coalition discussed with the Commissioners a request from the Six County Infrastructure Coalition to obtain a copy of the Huntington Airport Layout plan from the Utah Division of Aeronautics. He indicated that the purpose is use the plan for planning and mapping efforts specifically the safety zones, airspace restrictions, runway protection zones. He indicated that they have requested this same information from the 12 airports within the six counties. Eleven have provided the information and they are requesting the same information from Emery County. The reason for the letter of support from Emery County is something that is required by the Utah Division of Aeronautics to release the information. Mike Olsen addressed his concerns including the sensitivity of the information. Mr. Olsen indicated he has not had a opportunity to review the Huntington Airport Plan and would like time to look it over. Commissioner Keith Brady made a motion to have Attorney Mike Olsen review the Huntington Airport Layout Plan and give approval to release the information pending he does not find anything of concern. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(9)

DISCUSSION AND APPROVAL OF RIGHT-OF-WAY FROM PACIFICORP FOR MOTORIZED TRAIL AT END OF DES BEE DOVE ROAD AND DISCUSSION OF LIABILITY ISSUES.

Commissioner Migliori discussed a Right-of-Way from PacifiCorp for motorized trail at the end of Des Bee Dove Road. He indicated the there has been much discussion regarding liability. He stated that the purpose of getting the easement was to go after funding to develop the trail. The concern is 'Once we take on this easement, how much liability do we take on?'. Does it mean we have to develop the trail at this time? We need to mitigate the liability issue that comes with this easement. Commissioner Cowley expressed concern that if we open this up and there is an accident, they will come after the one with the deepest pockets, that being the County. He added that as you go up this trail it does not tie into any other trail. You have to come back down the trail. Is the funding that will come from having the easement enough to make the trail safe? Attorney Mike Olsen indicated that the trail would have to be noticed as an unimproved trail and

be maintained as an unimproved trail. We need to do it right and stay in compliance with the lease. The Commission needs to decide to what extent you want to open the trail. Ray Petersen asked who would be responsible to monitor the trail after a storm? It is an extremely steep, rigorous trail that will be altered with a rain storm. Commissioner Migliori stated that there still issues that need to be flushed out. Commissioner Cowley indicated that his concerns are with the liability and safety of those individuals using the trail. Commissioner Migliori stated that the Commissioners will look at this some more and will put this discussion on the agenda at a future time.

(10)

KYLE EKKER, DISCUSSION OF FY2014 CITIZEN CORPS SUPPLEMENTAL GRANT EXPENDITURES AND APPROVAL OF STATE HOMELAND SECURITY PROGRAM AWARD.

Sheriff Greg Funk discussed FY 2014 Citizen Corps Supplemental Grant Expenditures. He indicated that the state is trying to close out the years worth of books on this program. There is around \$3,000.00 that needs to be spent by July of this year by Carbon and Emery County for a specific purpose. He will be getting with Carbon County to determine how it will be used. It will probably be used for something like CERT Training or Emergency Response training. This supplemental grant is to accept the award and approval to spend the funds on an agreed purpose. Commissioner Keith Brady made a motion to approve of FY 2014 Citizen Corps Supplemental Grant Expenditures and approval of State Homeland Security Program Award. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(11)

APPROVAL OF EMERY COUNTY SHERIFF OFFICE PROCEDURE/PROTOCOL FOR INVESTIGATION OF PEACE OFFICER USE OF FORCE.

Sheriff Greg Funk explained that by law took place that says the SO has to has to post on their website the procedure/protocol for investigation of peace officer use of force. Attorney Mike Olsen has reviewed the document and is fine with it. Commissioner Keith Brady made a motion to approve of Emery County Sheriff's Office procedure/Protocol for investigation of peace officer use of force. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(12)

CONSIDERATION AND APPROVAL OF CONSULTANT SERVICES CONTRACT DATE EXTENSION FOR SOUTH MOORE CUT-OFF ROAD PHASE 10.

Merrial Johansen, Johansen & Tuttle Engineering explained that the project is completed. After the project is completed they have to put all the certifications together and submit them to the

state. The original contract called for the project to be completed by the end of 2015. J&T has asked to keep the books open until all the required certificates of completion are in place. This would extend the contract date until July 15, 2016. Commissioner Paul Cowley made a motion to approve of consultant services contract date extension for South Moore cut-Off Road Phase 10. The motion was seconded by Commissioner Keith Brady. The motion passed.

(13)

CONSIDERATION AND APPROVAL OF CHANGE ORDER #2 ON SOUTH MOORE CUT-OFF ROAD PHASE 10.

Merrial Johansen explained that Change Order #2 has several parts. CO#1 changed the end date of the project to October 15, 2015 to get the pavement laid down before the deadline. The wording on the document wasn't as clear as they would have liked it because UDOT read it as the contractor had to have the whole project done and closed out by October 15th or they would be charged liquidated damages. The real intent was make sure they had the pavement down by October 15. So they clarified CO #1 basically saying that the pavement would be done by October 15th and the completion date would be before the end of 2015. The main reason for that is because they had to wait 30 days after laying the pavement to do the second coat of paint. The second part of this change order is to change the thickness of the aggregate from 3/4 to 1/2 on the road. This will not affect the structural integrity of the road. The third part of the change order changes the cost to the contract. After the contractor completed the project there was a portion on the existing highway that started to crack. They call that a soft spot. It wasn't due to anything the contractor did. The sub-base under existing road wasn't good.. So as a punch list item they had Nielsons go back and repair that part of the road. The cost is \$7,427.83. The original contract amount is \$737,174.70. The current contract amount including change orders is \$744,602.53. ECSSD#1 is the lead entity on this project. Commissioner Keith Brady made a motion to approve CO #2 for the Moore Cut-Off Road Phase 10. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(14)

EMERY COUNTY RECREATION SPECIAL SERVICE DISTRICT BOARD, DISCUSSION OF COUNTY FINANCIAL SUPPORT FOR OPERATING EXPENSES IN 2016.

Recreation Special Service District Board members Julie Jones and Troy Winter came before the Board of Commissioners to discuss possible financial support for operating expenses in 2016. This district is out of money. Troy talked about the mineral lease funds that fund the Recreation District . Currently they have no funds coming into the District. They have no money to pay December bills. He reviewed with the Commissioners the Rec District budget for 2015. He indicated that they have cut out of the budget as much as possible. Commissioner Migliori explained that in June and July the county experienced a decrease in mineral lease funds coming into the county. The county did not receive a payment from the State for the last two months. These funds have been affected by the shutdown of Deer Creek Mine and the shifting down of

gas well leases in the county. He indicated that he's not sure how this will affect the other special districts. Troy stated that the Rec. District owes the leagues \$20,000.00. This is registration fees paid by participants. They used these funds to float the Rec District. The Rec. District cannot run on \$0. The registration fees are the only money they have to operate on. Without money the Rec District does not operate. Commissioner Cowley stated that the Rec. District has to have seen this coming with the talk about the mine closing down. Troy indicated that as a board member he did not foresee the \$0 coming in. The board amended the 2015 budget to try and resolve the issue. He asked 'What can we do now?'. Julie Jones indicated that as a board they have been discussing this issue since October. One of the things they have talked about is asking the tax payers on the ballot for tax credit. Currently the Recreation District does not receive a tax from the residents. The only funds they receive for daily operation, maintenance and payroll is mineral lease funds. The county has put over a million dollars into upgrades at the Huntington Ball Complex. Who is going to maintain the ball complex and Little Bear Campground? Jake and Darshell take care of the Rec. District. The board has asked Jake and Darshell to break down for them what they do daily. Troy stated that the Rec. District needs help. They have tried to get referees to be volunteers. It's just not going to happen. She indicated that they are here to ask for an open account and meet regularly so that these expenses can be paid. The bills for December and the money owed to the leagues they are holding. We do not have all the answers. Commissioner Cowley indicated that he asked Brenda to gather some numbers for the last 10 years of wages and benefits for comparison purposes. He indicated that personally he is not in favor of bailing out the Rec. District. Julies indicated that communication from the State, the County and the Rec. Board could have helped this situation. We don't know what is going to happen. We don't know how the future of the mines will affect the future of the Rec District. She talked about the sports teams and what they entail. Troy talked about the sports coordinator and how they work with the Rec. Director and what the teams need to run the programs. Julie gave a personal perspective of how these program run. She stated her son was to play Jr. Jazz basketball this week but she didn't know where to go, who was his coach? She knew she could call Darshell or Jake and they could tell her where to go. Julie added that Jake took over three years ago to coordinate the sports programs. He addresses the complaints and concerns regarding sports programs. If not taken over by the county, then you will not have sports programs in the county. Treasurer Steve Barton asked how the Rec. District sets registration fees for each of the sports programs? Troy answered by informing them that the district pays \$16,000.00 a year for insurance for the participants in the sports programs. They have talked about adding \$25.00 to the participant fees to help offset the cost of insurance. He added that the sports programs are self sufficient. The sign-up fee needs to be kept affordable. Not everyone can afford to pay \$60.00 or more to have their child play sports. Especially if they have more than one child in the programs. Kris Bell wondered if would be possible to get volunteers to be at the schools to open and close the schools or scorekeepers, etc. Ray Petersen talked about the way the programs were ran in the past. The programs ran well. Brenda indicated that the problem is not the sports. It is the general operating cost. Troy indicated that he agreed and would love to sit down with Brenda to go over these costs. Brenda agreed to sit down with him and go over their budget. Commissioner Migliori stated that the

Rec District spends a lot of money on insurance. Commissioner Migliori wondered if it was housed under the county's insurance it would minimize the cost of insurance without affecting the County's cost? The Rec District is separate from the County so the Rec District would have to be dissolved to do it. There is an argument to be made to support that. We can take the mineral lease money and use it support it and minimize the expenses. But that doesn't answer the question today. We have got an organization that is struggling financially. At what point in time do the bills not get paid. They are going to call us(the County) when they don't. When the Rec Director doesn't get paid he is going to walk off then you don't have sports programs. Then who are the citizens going to call? There is a bigger picture here. We need to look at short term solution while we look for a long term solution to fix the bigger picture. Commissioner Migliori stated that this has never happened in the history of Emery County that he knows of. It's not as if you can say , hey you guys have screwed up and you have done this ten times. This is a one time event. It is not a pattern. If it was a pattern you could hold them accountable. One time, you need to look at the situation and deal with it. Brenda addressed the budget. She indicated that in order to loan money to the Rec District we need to have a clear payment schedule with interest. We haven't budgeted for that in the County's budget. Brenda indicated that she has a hard time giving money away that was not budgeted for. The County doesn't know what is going to come our way that we need money for. Commissioner Migliori indicated that yes we need to be smart about this. We don't need to just jump into this. The County can recoup this, cause they can take our money off the top when it does come in. Brenda indicated that this needs to be a fixed amount, a clear cut loan, not an open account. Commissioner Brady asked if there are any bills that they can float? Does the league money need to be paid back now? Would Jake and Darshell be open to a wage decrease for the down time? Do we need two people to do the job? Troy indicated that Darshell works for the benefits. If you take away the benefits she will be gone. Then you will have to get someone to answer the calls. Jake works all the fields and opening and closing buildings. Julie indicated that this is not a 9 to 5 job five day a week job. She indicated that she has personally answered calls regarding Rec. District issues on Saturday and Sunday and after 5 pm. Mary Huntington asked if they considered seasonal employees because seasonal can be paid without benefits? The wages are not out of place with what has gone on in the past. It is the benefits that have changed. Commissioner Migliori stated that bottom line, we need to make the Rec District whole. We need to come up with an amount with a clear schedule for repayment. His personal recommendation would be to have Brenda be the lead to make sure that it is handled appropriately Jake is not an expertise in finances. We need someone in your office to take the lead to make sure that this happens. Troy stated that this not the position that he would want his business to be in and not a position that he would want the Rec. District to be in. He guaranteed that this will not happen again while he is on the board. Julie added that they are still looking for an answer for the Huntington Ball Complex and Little Bear Campground. Commissioner Migliori talked about the solutions that they may have for those costs associated with those facilities. Julie added that in her opinion the Rec District is a huge asset to the county and she would hate to see it go away. Jordan Leonard talked about some things could be done to help bring in some money like invitational tournaments, golf tournaments, etc. Joel Dorsch spoke to the importance of the Rec. District. He started 25 years

ago. Back then you had to basically vote on who was going to be coach because of the enthusiasm. Now we have go out and convince someone to coach. Each city would have their own amount of money for their baseball programs. This is why they combined the Rec District. At this time he is not on the Rec. Board but he was for a few years so he is aware of the way programs have been operated in the past. The Rec. District does all the dirty little jobs that no one wants to get involved with. He stated he knows what kind of job he is up against. There is no way he is able to keep up with all the fields. He has offered to keep the field in Castle Dale mowed. Commissioner Migliori thanked Joel for his perspective on what the Rec. District has done in the past. We do need to appreciate what the Rec. District has done for the county. Commissioner Migliori recommended having Brenda work with Julie and Troy to come up with an amount for a loan. Brenda will work with Mike Olsen to come up with the details of the loan.

(15)

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

Commissioner Keith Brady discussed a standard agreement/contract to offer an up front quarter of the cost up to \$500.00 for 6 months for EMT training. They will use a minimum of 312 hours to complete the contract which is equal to about \$320.00 per EMT. Jim Gordon will do most of the training. Attorney Mike Olsen has reviewed the contract and recommends approval. Commissioner Keith Brady made a motion to approve of Standard Agreement/Contract where Emery County would pay a portion of EMT Training fees and provide a method of reimbursement. The motion was seconded by Commissioner Paul Cowley. The motion passed.

Attorney Mike Olsen announced that Judge Scott Johansen has announced his retirement. He expressed his appreciation to Judge Johansen for his years of service to the County.

There were no other reports.

(16)

ADJOURNMENT

The meeting was adjourned.

12
Commission Meeting Minutes
January 5, 2016

ATTEST: _____ COMMISSIONER: _____