

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

MARCH 15, 2016

Present at the meeting was Commission Chairman Keith Brady, Commissioner Ethan Migliori, 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 #239733 through and including #239860 was presented for payment.

There were no requisitions or dispositions.

(2)  
APPROVAL OF COMMISSION MEETING MINUTES DATED MARCH 1, 2016.

(3)  
NOTIFICATION, ADAM GARDNER HAS BEEN SELECTED TO WORK AS A PART TIME EQUIPMENT OPERATOR FOR THE GREEN RIVER AREA. WAGE GRADE 16 @ \$16.39 PER HOUR.

(4)  
NOTIFICATION, ROBERT BENNETT AND WADE HANCOCK HAVE BEEN SELECTED TO WORK PART TIME ON THE RUSSIAN OLIVE PROJECT. GRADE 14 @ \$14.59 PER HOUR.

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

DISCUSSION AGENDA

(1)  
ITEMS PULLED FROM THE CONSENT AGENDA.

Nothing

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(2)

CONSIDERATION OF APPOINTMENT TO FILL THREE VACANT TERMS ON THE EMERY WATER CONSERVANCY DISTRICT BOARD OF DIRECTORS. ANY CANDIDATE WISHING TO SPEAK TO THE BOARD MAY DO SO NOW. APPROVAL OF RESOLUTION OF APPOINTMENT BY THE EMERY COUNTY BOARD OF COMMISSIONERS.

Commissioner Ethan Migliori made a motion to fill three vacancies on the Emery Water Conservancy District with Lee McElprang, JR Nelson, and Clyde Magnuson. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(3)

CONSIDERATION AND APPROVAL OF A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF EMERY COUNTY, UTAH ACTING AS THE GOVERNING BODY OF THE CASTLE VALLEY SPECIAL SERVICE DISTRICT AUTHORIZING NOT MORE THAN \$2,350,000 GENERAL OBLIGATION BONDS, SERIES 2016 A & B, FIXING THE MAXIMUM AMOUNT, MATURITY, INTEREST RATE, AND DISCOUNT ON THE BONDS; PROVIDING FOR THE PUBLICATION OF A NOTICE OF PUBLIC HEARING AND OR BONDS TO BE ISSUED; PROVIDING FOR THE RUNNING OF A CONTEST PERIOD; AND RELATED MATTERS.

Jacob Sharp, Castle Valley Special Service District reviewed a General Obligation Bond, Series 2016 A & B fixing the maximum amount, maturity, interest rate and discount on the bonds to be issued to the CVSSD. Alex Buxton, Zions Bank Public Finance explained the reason for a Parameters Resolution. He explained that the purpose is to allow a notice of bonds to be issued as well as a notice of public hearing published. In years past they have tried to have the Resolution and public hearing date on the same meeting date. In working with the bond attorneys during the past couple of weeks, have determined that the public hearing notice had yet to be published. They were not able to get the public hearing notice on the agenda for today. However, they still wanted to get the notice of bonds to be issued in the newspaper so that they could close as soon as possible. One of the requirements in a bond issue is to have a thirty day contest period which begins the day the notice of bonds to be issued is published in the newspaper. So in order to get funding and access to the funds toward the end of April we are having a parameter resolution that authorizes the notice as well as calls for a public hearing on April 5th Commission Meeting. At point in time we will adopt the final bond resolution. This will get the process going and allow for the thirty day notice in the newspaper. Mr. Buxton added that CVSSD does a great job of accessing state CIB funding and using it to get the most advantage from the funds. After answering Commissioner Brady's questions regarding bonds Commissioner Ethan Migliori made a motion to approve Resolution 3-15-16A a resolution of the Board of County Commissioners of Emery County, Utah acting as the governing body of the Castle Valley Special Service District authorizing not more than \$2,350,000 General Obligation Bonds, Series 2016 A&B, fixing the maximum amount, maturity, interest rate, and discount on

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the bonds: providing for the publication of a notice of public hearing and of bonds to be issued; providing for the running of a contest period; and related matters. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(4)

CONSIDERATION AND APPROVAL OF STANDARD COOPERATIVE AGREEMENT FOR UTAH STATE UNIVERSITY EXTENSION EDUCATION WORK- 2016.

Commissioner Ethan Migliori made a motion to approve of a Standard Cooperative Agreement for Utah State University Extension Education Work for 2016. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(5)

CONSIDERATION AND APPROVAL OF DATE FOR MAY TAX SALE.

Clerk/Auditor Brenda Tuttle requested approval of a date for the May Tax Sale as May 19, 2016 at 10 a.m.. Commissioner Ethan Migliori made a motion to set the date of May 19, 2016 at 10 a.m. for the May Tax Sale. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(6)

CONSIDERATION AND APPROVAL OF APPLICATION FOR TRANSPORTATION AND UTILITY SYSTEMS AND FACILITIES ON FEDERAL LANDS FOR UPGRADE OF EXISTING GENERATOR AT HORN MOUNTAIN COMMUNICATION SITE.

Commissioner Ethan Migliori made a motion to approve of application for Transportation and Utility Systems and Facilities on Federal Lands for upgrade of existing generator at Horn Mountain Communication Site. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(7)

CONSIDERATION AND APPROVAL OF GRANT TO UTAH DIVISION OF STATE HISTORY FOR CEMETERY INVENTORY OF EMERY, HAMBRICK BOTTOMS, VERMILLION, CLARION AND THOMPSONVILLE CEMETERIES.

This grant is similar to the grant from last year. Two of the cemeteries are in Emery County. The grant is for \$5,000.00 with a 50/50 match. There is no financial obligation by Emery County. Commissioner Paul Cowley made a motion to approve of a grant application to Utah Division of State History for Cemetery Inventory of Emery, Hambrick Bottoms, Vermillion, Clarion and Thompsonville Cemeteries. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

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(8)

CONSIDERATION AND APPROVAL OF AGREEMENT FOR JOINT OR COOPERATION UNDERTAKING TO ESTABLISH A PUBLIC INSURANCE AGENCY MUTUAL FOR THE PURPOSE OF ADMINISTERING THE UTAH SEARCH AND RESCUE ACT.

Sheriff Funk explained that this is insurance for those individuals who tour the back country who may have need to be rescued. The insurance is \$25.00 for an individual and \$35.00 per family. The money goes into a fund to reimburse the county for the expenses involved in the rescue. Currently when you register your ATV there is a portion of the fee that goes to search and rescue and is distributed to the counties for that purpose. In the past there has not been any type of reimbursement beyond the fuel cost. There is no cost to the county to participate in the program. The public can purchase the insurance online. Commissioner Ethan Migliori made a motion to approve an agreement for joint cooperation undertaking to establish a public insurance agency mutual for purpose of administering the Utah Search and Rescue Act. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(9)

DISCUSSION AND APPROVAL OF REQUEST FOR A DEFERRAL AGREEMENT FOR PAYMENT OF REAL PROPERTY TAXES THAT ARE FIVE YEARS PAST DUE FOR ROBERT & JOANN WETHERINGTON, SUSAN GAIL DAVIS, CYNTHIA MARIE EDWARDS, MARGARET ELAINE POTTER, AND TERRY HEATH.

Treasurer Steve Barton requested approval to offer a deferral agreement for payment of real property taxes that are five years past due for Robert & Joann Wetherington, Susan Gail Davis, Cynthia Marie Edwards and Margaret Elaine Potter, and Terry Heath. These owners were contacted a year ago and made aware that the property would be up for sale due to back taxes. There are 12 properties that will be going up for sale. All have been notified of the situation. Seven are real estate, four are homes and one is a business. He stated his office makes a considered effort to not let property get to this point. He added that tomorrow a list of the delinquent tax property owners will go the Clerk/Auditor's office for the tax sale process. A \$300.00 charge will be added to the back taxes to cover administrative cost associated with the sale, such as mailings and title searches. The five individuals, which he has requested deferrals on behalf of, have responded and requested a deferral. The deferral is a contract with Emery County that will allow them until November 2016 to pay the taxes. Commissioner Ethan Migliori made a motion to authorize Treasurer Steve Barton to make a contract with the five taxpayers requesting the deferral. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(10)

CONSIDERATION AND APPROVAL OF USL MEMORANDUM OF AGREEMENT BETWEEN EMERY COUNTY AND DEPARTMENT OF HERITAGE AND ARTS, UTAH

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STATE LIBRARY DIVISION FOR COMMUNITY LIBRARY ENHANCEMENT FUNDS (CLEF) FOR THE DEVELOPMENT OF LOCAL PUBLIC LIBRARY SERVICES.

Emery County Library Director Carole Larsen discussed an MOU between Emery County and Department of Heritage and Arts, Utah State Library Division for Community Library Enhancement Funds (CLEF) for the development of local library services. The amount is \$7,000.00. CLEF funds can only be used for collection development, technology that directly affects the public, and community outreach. Ms. Larsen indicated that it is free money for the library to coordinate programs that they already implement. Commissioner Paul Cowley made a motion to approve of an MOU between Emery County and Department of Heritage and Arts, Utah State Library Division for Community Library Enhancement Funds(CLEF). The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(11)

CONSIDERATION AND APPROVAL OF EMERY COUNTY LIBRARY SYSTEM STRATEGIC PLAN FOR 2016, 2017, AND 2018.

Roxanne Jensen, Assistant Library Director reviewed the Emery County Library System Strategic Plan for 2016, 2017, and 2018. Roxanne read the mission statement and vision statement and outlined their objectives and goals for 2016, 2017, and 2018. This is a state library requirement. Commissioner Paul Cowley made a motion to approve of Emery County Library System Strategic Plan for 2016, 2017, and 2018. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(12)

CONSIDERATION AND APPROVAL OF EMERY COUNTY LIBRARY ELECTRONIC MEETING POLICY.

The purpose of this policy is to establish the means and procedures by which the Emery County Library system may conduct electronic meetings in accordance with the provisions of the Public Meetings Act. This would allow access to board meetings for board members and others who are not able to attend in person. Commissioner Paul Cowley made a motion to approve of Emery County Library Electronic Meeting Policy. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(13)

CONSIDERATION AND APPROVAL OF EMERY COUNTY'S LIBRARY INTERNET AND ONLINE ACCESS POLICY.

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Roxanne Jensen reviewed the Emery County Electronic Meeting Policy. She explained that children under the age of twelve have a need to access the internet for homework. The current policy needs to be amended to allow children from 8 to 17 to access the internet. The Library System is filtered by the state. Children under the age of 18 who need to access the internet for homework MAY on a one time basis, with a phone call from a parent or legal guardian access the internet. Parents are responsible for the actions of their children, whether or not they are present. Any adult user may ask a member of the library staff to disable the filter in order to gain access to an incorrectly blocked site. There must, in the judgement of the library staff, be a legitimate reason for the disabling of the filter. Failure to comply with the established policy may lead to consequences such as being asked to leave the building, or discontinue an activity. Suspension of privileges will occur in three phases. There will first be a verbal warning, second revoked privileges and signing of the Emery County Library Internet Violators form and an alert added to their patron record, and third internet privileges suspended until the violator meets in person with the Emery County Library Board who will determine if their privileges may be reinstated. Commissioner Paul Cowley made a motion to approve of Emery County Library Electronic Meeting Policy. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(14)

CAROLE LARSEN, UPDATE ON EMERY COUNTY LIBRARIES AND ACTIVITIES.

Carole Larsen provided an update of Emery County Libraries and activities. She provided statistics on programs available to the public as well as the number of patrons currently attending libraries in the county system. She reported on grants the libraries are currently using to provide reading programs and incentives to the communities.

(15)

DISCUSSION OF REQUEST TO INCLUDE DESERTVIEW PRO RODEO WITH THE EMERY COUNTY FAIR BUDGET.

Emery County Recreation Special Service district Director Jake Atwood opened discussion regarding inclusion of the Desertview Pro Rodeo with the Emery County Fair Budget. Jake talked about combining the rodeo with the fair and having it on the same days. He indicated that in the seventeen years that the Rec District has been financing the rodeo they have broken even 2 times. The rest of the times they went in the hole with costs associated with the rodeo coming out of the Rec Budget. He indicated he felt the rodeo is worth saving. The financial burden of \$80,000.00 is hard to get past. He talked about possibly eliminating the free concert at the Fair which takes half of the fair budget and use the funds towards rodeo expenses. The Rec District is not getting as many sponsorships this year and that will ding the budget. He will be meeting with the Travel Bureau next week to seek some funding for the rodeo. Commissioner Brady stated that part of the Transient Room Tax is meant to promote this type of activity. Clerk/Auditor Brenda Tuttle stated that she was concerned for how to combine the Fair and the

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Rodeo Budgets when the Rodeo is under the Rec District and the Fair is under the County. Commissioner Cowley questioned how to mingle the two events under one budget when they are separate events and under different entities. Commissioner Migliori suggested making a significant donation to the Rodeo and call it the Emery County Rodeo. He wondered which had more value to the citizens of Emery County the rodeo or the free concert? Which would the citizens want if they had to pick one? Commissioner Brady wondered if they could put out a poll to get a feel for what the citizens would want? Emery County Fair Board Chairman stated that there will be a free concert at the Fair this year. They will be cutting out the stage sound crew which was a huge expense to the budget. Commissioner Migliori indicated that we still need to do some homework before a decision is made. Commissioner Cowley expressed his concern that the Rec District will be able to meet their obligation to payback the loan they took out from the county earlier this year by the end of the year. Julie Johansen commented that the rodeo takes place over a few nights while the concert is only one night. She has had concern expressed to her regarding citizens discontent with the procedures for rodeo ticket sales. Brenda Tuttle commented that the rodeo is a huge financial risk. If people don't come to the rodeo then someone has to absorb that loss. Jake added that half of the revenue for the rodeo comes from ticket sales. Mike Olsen suggested that the Rec District seek sponsorships for the rodeo from Price (Carbon County) businesses. The people of Emery County spend a lot of money in Price. This could help minimize some of the risk financially.

The Board of Commissioners agreed to take no action on this item at this time.

(16)

CONSIDERATION AND APPROVAL OF CONTRACT BETWEEN EMERY COUNTY AND MAGICIAN AL LAMPKIN FOR ENTERTAINMENT AT THE EMERY COUNTY FAIR.

Commissioner Ethan Migliori made a motion to approve of a contract between Emery County and Magician Al Lampkin for entertainment at the Emery County Fair. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(17)

CONSIDERATION AND APPROVAL OF RENTAL AGREEMENT BETWEEN EMERY COUNTY AND INFLATABLE FUN ZONE D.B.A. BOUNCE OFF THE WALLZ LLC FOR AMUSEMENT EQUIPMENT FOR THE EMERY COUNTY FAIR.

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Commissioner Ethan Migliori made a motion to approve of rental agreement between Emery County and Inflatable Fun Zone d.b.a. Bounce Off the Wallz, LLC for amusement equipment for the Emery County Fair. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(18)

CONSIDERATION AND APPROVAL OF CONTRACT AGREEMENT BETWEEN EMERY COUNTY AND AUSSIE KINGDOM/CJ'S ANIMAL ADVENTURES, CAROLYN LANTZ FOR ENTERTAINMENT AT THE EMERY COUNTY FAIR.

Commissioner Ethan Migliori made a motion to approve of a contract agreement between Emery County and Aussie Kingdom's/CJ's Animal Adventures, Carolyn Lantz for entertainment at the Emery County Fair. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(19)

CONSIDERATION AND APPROVAL FOR EMERY COUNTY TO SPONSOR FOUR DAMAGE SURVEY REPORTS, XTO SITE, WATER PLANT, ADOBE WASH, AND COTTONWOOD ON THE COTTONWOOD DRAINAGE FOR A TOTAL OF \$4,170,140.

Commissioner Migliori explained that in the last couple of years the county has had a number of flooding events on the Cottonwood Drainage. Citizens come to Commission Meeting with concerns and asking for help to mitigate the problems. So the Commissioners started looking into some options. Because of our past experience with the Huntington Canyon flooding and now the Millsite Dam renovations Emergency Management started working with NRCS. NRCS was asked about available funds to mitigate the problems along the Cottonwood Drainage. Emery County was put on a wish list. Later the NRCS came to the County and said that they may be able to get some funds to mitigate the problem areas. NRCS came to Emery County with their engineers to do a Damage Survey Report. The idea behind the Damage Survey Report is to look at areas with the most significant impact and the cost to mitigate in case there was additional flooding. This would work act as basis for moving forward with a contract. They pinpointed four areas that are most affected by flooding, XTO, the water plant, Adobe Wash, and Cottonwood on the Cottonwood Drainage. Those four Damage Survey Reports would be taken back to NRCS. By saying 'yes' we think these are the areas we would like to have looked at and funding allocated to mitigate. The cost associated with the mitigation of these four areas is estimated to be \$4,170,140.00. This is not actually a contract, this is like a pre-loan application to say 'yes' we have interest, we want to pursue this project and we are ok with these four areas. If we say 'yes' then they will prepare the agreement between NRCS and Emery County for the funding. It does require a 25% funding match (\$1,000,000.00) which Commissioner Migliori was confident could be met with in-kind service from the shareholders and entity sources who are all on board with moving forward with this project. There is no obligation for money at this time. If we choose to walk away from this project now we will not be out anything. If we move

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forward on this it is considered emergency funds so we will have to move quickly on these projects this year because we will have 220 days to have the projects well underway. There will need to be variances, right-of-ways, easements and possibly application with the Army Corp of Engineers for certain portions of the project. Commissioner Cowley asked if the County undertakes anything regarding the river flooding and on private property will the county be liable or have responsible to keep it maintained in the future? Attorney Mike Olsen indicated that as an emergency mitigation situation he didn't see a problem. However, agreements will need to be signed regarding liability before any work on private land. Captain Kyle Ekker answered that once the project is completed that portion of the project can be turned back over to the shareholder of the property, but there may be some things that the County will have the responsibility to go back and maintain. Brenda Tuttle asked if the County will have any say in the structuring of the finances for this project because ultimately it will be county funds that are out there? Commissioner Migliori indicated that everything they have discussed up to now has been exploratory so when the discussion on funding structure begins they will be sure to include her in the funding discussions. Captain Kyle Ekker talked about the BLM NEPA process. Commissioner Cowley asked Brenda if the County has funds in place to begin the process? Brenda indicated that we do not have any funds budgeted for this at this time. Commissioner Migliori added that this is just a pre-application that indicates we agree to the project and want to move forward. No funds are needed at this time. Commissioner Ethan Migliori made a motion to approve the DSR's for the XTO Site, Water Plant, Adobe Wash, and Cottonwood areas from the NRCS in Emery County. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(20)

COMMISSION/ELECTED OFFICIALS REPORT.

Commissioner Brady reported on attending the Utah State Capital where there was a press event regarding the Public Lands Initiative. It was good to have all seven counties there showing support for the process and the bill. He and Mike McKee from Uintah County had an idea of doing a video for congress to submit as the seven counties comments in support of the process and why this is a good idea and good for the seven counties.

(21)

ADJOURNMENT

The meeting was adjourned.

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