

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

OCTOBER 18, 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 # 241962 through and including # 242148 was presented for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
33-16	(6) NX5700 VHF Radios for Road Dept. Sheriff/Communications	\$4,174.80
34-16	Generac 22 kw Generator Model #6551 Electrical Transfer Panel Sheriff/Communications	\$5,895.80
35-16	(28) Wilson Cell Phone Boosters Sheriff/Communications	\$12,096.75
36-16	Installation of access ramp at bunker Weed/Mosquito	\$1,680.00
37-16	Alumalite Sign Aquatic Center	548.00

There were no dispositions.

(2)
APPROVAL OF MINUTES OF OCTOBER 04, 2016 COMMISSION MEETING.

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(3)

NOTIFICATION. MALONE MOSS WAS SELECTED AS A PART TIME LIFEGUARD WORKING 19 3/4 HOURS PER WEEK GRADE 3.

(4)

APPROVAL OF DANIELLE FARLEY TO RECEIVE A 3% WAGE INCREASE FOR SUCCESSFUL COMPLETION OF HER 6 MONTH ORIENTATION PERIOD. EFFECTIVE 10-24-16.

(5)

APPROVAL TO PROMOTE ARIAUNA DOWNARD TO A CERTIFIED LIFEGUARD INSTRUCTOR FOR SUCCESSFUL COMPLETION OF THE LIFEGUARD INSTRUCTOR CERTIFICATION COURSE. MOVE FROM GRADE 7 TO GRADE 8.

(6)

APPROVAL OF MELANY WEAVER TO RECEIVE A 3% WAGE INCREASE FOR SUCCESSFUL COMPLETION OF HER 6 MONTH ORIENTATION PERIOD. EFFECTIVE 10-24-16

(7)

APPROVAL TO HIRE MAXINE FIELDER AS THE FULL TIME, WITH BENEFITS, JUSTICE COURT CLERK I, GRADE 11.

Commissioner Ethan Migliori 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.

(2)

PUBLIC COMMENT (3 MINUTE LIMIT PER PERSON).

Danny VanWagoner asked about agenda item #10. He asked why the county is hiring a special attorney?

No response was given at this time.

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Commissioner Ethan Migliori made a motion to leave the regular meeting and enter into a public hearing and at the conclusion of the public hearing to return to the regular meeting. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(3)

PUBLIC HEARING- TO RECEIVE PUBLIC INPUT REGARDING THE PROPOSED ORDINANCE WHICH AMENDS EMERY COUNTY ORDINANCE NO. 8-7-85A REGULATING COUNTY ROAD AND RIGHT-OF-WAY ENCROACHMENTS.

Attorney Michael Olsen explained that the reason for the Public Hearing is to receive public input regarding the proposed ordinance which amends Emery County Ordinance No. 8-7-85A regulating county road and right-of-way encroachments. He explained that the ordinance regulates the use of the road and consequences/penalties for damage to our roads. Such as when a construction company uses our roads for a construction project. This is an effort to make sure when one enters our roads or highway that it is done properly and safely to protect our roads. This amendment brings the ordinance up to date and makes it current. This ordinance is similar to what has been done in other counties as well. Mr. Olsen recommended approval of the amendment to the ordinance. Commissioner Cowley commented that the ordinance protects our roads from damage from construction companies who use our roads for construction projects. Our county road supervisor inspects the roads for safety. Jule Johansen asked if the amendment addresses consequences and penalties for damage to the road? Mr. Olsen answered that 'yes' it does identify fines and consequences.

There were no more questions or comments.

The Commissioners returned to the regular meeting agenda.

(4)

DISCUSSION AND APPROVAL OF AMENDED EMERY COUNTY ORDINANCE NO. 8-7-85A REGULATING COUNTY ROAD AND RIGHT-OF-WAY ENCROACHMENTS.

Commissioner Paul Cowley made a motion to approve of Amended Emery County Ordinance No. 8-7-85A regulating county road and right-of-way encroachments. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

Commissioner Ethan Migliori made a motion to leave the regular meeting and enter into a public hearing and at the conclusion of the public hearing to return to the regular meeting. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(5)

PUBLIC HEARING -TO RECEIVE PUBLIC INPUT REGARDING THE PROPOSED ACTION OF ADDING HUNTINGTON CREEK WATERSHED COORDINATED RESOURCE MANAGEMENT PLAN TO THE EMERY COUNTY GENERAL PLAN.

Ray Petersen, Public Lands Administrator explained that the Emery County Public Lands Council has reviewed the Plan and recommends it as an appendix to the Emery County General Plan.

Commissioner Paul Cowley commented that he has attended several planning meetings for the Huntington Creek Watershed Coordinated Resource Management Plan. He added that the plan is very concise.

Jeff Guymon, Zoning Administrator commented that the Planning Commission has reviewed the plan as well and find it advantageous to included it in the GP. Planning Chairman Mack Huntington recommends approval. Jeff added that many hours have been contributed to this document.

There were no more comments.

The Commissioners returned to the regular meeting agenda.

(6)

DISCUSSION AND APPROVAL TO ADD THE HUNTINGTON CREEK WATERSHED COORDINATED RESOURCE PLAN TO THE EMERY COUNTY GENERAL PLAN.

Commissioner Paul Cowley made a motion to approve the addition of the Huntington Creek Watershed Coordinated Resource Plan the Emery County General Plan. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(7)

DISCUSSION AND APPROVAL OF THE FY2016 HOMELAND SECURITY GRANT PROGRAM ARTICLES OF AGREEMENT AND OBLIGATING DOCUMENT AWARD FOR THE PERIOD OF SEPTEMBER 1, 2016 THROUGH JUNE 30, 2019.

Sheriff Funk explained that the FY2016 Homeland Security Grant award is \$225,494.00. It will be split with Carbon County. Emery County will receive \$109,184.50 and Carbon County \$103,309.50. There is a \$13,000.00 for training. Emery County's amount is higher because we pay for the reverse 911 this year. Commissioner Ethan Migliori made a motion to approve of the FY2016 Homeland Security Grant Program Article of Agreement and Obligation Document Award for the period of September 1, 2016 through June 30, 2019. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(8)

DISCUSSION AND APPROVAL OF STATE OF UTAH JUSTICE ASSISTANCE GRANT (JAG) ISSUED BY COMMISSION ON CRIMINAL AND JUVENILE JUSTICE.

Sheriff Funk explained that the Utah Justice Assistance Grant is in the amount of \$4,496.60 which will be used to purchase 20 printers for patrol/deputy vehicles. Commissioner Paul Cowley made a motion to approve of State of Utah Justice Assistance Grant (JAG). The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(9)

DISCUSSION AND APPROVAL TO CHANGE THE STATUS OF PARCEL #01-0168-0005 FOR GREG SHIPP OF GREEN RIVER TO ACTIVE.

Recorder, Connie Jensen explained that parcel #01-0168-0005 was previously a HUD home that was exempt from taxes. The home was purchased by Greg Shipp. The exempt status was not removed so therefore needs a Commission Adjustment to return it to taxable to collect taxes on the property. Commissioner Ethan Migliori made a motion to approve changing the status of parcel #01-0168-0005 for Greg Shipp of Green River to active. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(10)

DISCUSSION AND APPROVAL OF CONSENT AND DIRECTION TO TRANSFER REPRESENTATION TO CROOK & TAYLOR LAW, LLC.

Commissioner Brady explained that Mr. Crook form a new firm that includes Attorney Taylor. In a previous Commission Meeting the County hired Mr. Crook to help and advise on Personnel Policy and use him for employment law and administrative law representation. This change is needed because of change in name for his firm. New name, same attorney. Commissioner Ethan Migliori made a motion to approve transfer of representation to Crook & Taylor Law, LLC. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(11)

DISCUSSION AND APPROVAL TO PROVIDE FLU AND ADACEL VACCINES THIS YEAR IN CONJUNCTION WITH OUR WELLNESS CLINIC OCTOBER 26-27, 2016, IN CASTLE DALE AND OCTOBER 28, 2016, IN GREEN RIVER.

Personnel Director, Mary Huntington explained that the county has provided this service for its employees for the last 8 years. The Wellness Clinic has been a beneficial program. Multiple health related issues have been caught early to help mitigate claims. The Flu vaccine is offered every year. The Adacel vaccine (tetanus) is good for ten years. Commissioner Paul Cowley made a motion to approve providing flu and Adacel vaccines this year in conjunction with our Wellness Clinic. The motion was seconded by Commissioner Ethan Migliori. The motion

passed.

(12)

DISCUSSION AND APPROVAL TO UTILIZE EMERY MEDICAL CENTER AGAIN THIS YEAR FOR THE ANNUAL WELLNESS CLINIC. THE COST WILL BE \$120.00 PER FULL TIME EMPLOYEE THAT PARTICIPATES.

Mary Huntington requested approval to utilize Emery Medical Center again this year for the annual Wellness Clinic. The cost will be \$120.00 per full time employee that participates. That cost includes the basic blood draw only. EMC will do the PSA level check for an additional cost of \$37.00 per participant. Commissioner Paul Cowley made a motion to approve utilizing Emery Medical Center for the annual Wellness Clinic and the \$120.00 per full time employee that participates. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(13)

DISCUSSION AND APPROVAL TO GIVE FULL TIME EMPLOYEES WHO PARTICIPATE IN THE WHOLE WELLNESS CLINIC 4 HOURS OF VACATION.

Commissioner Ethan Migliori made a motion to approve giving full time employees who participate in the whole Wellness Clinic 4 hours of vacation. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(14)

DISCUSSION AND APPROVAL FOR HUNTINGTON LIBRARY TO APPLY FOR KUED GRANT.

Huntington Library is seeking a \$400.00 grant from KUED to be used for books and supplies. Commissioner Paul Cowley made a motion to approve Huntington Library to apply for a KUED Grant. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(15)

DISCUSSION AND APPROVAL TO REDUCE THE MUSEUM RENTAL ROOM FEE FOR THE DEPARTMENT OF WORKFORCE SERVICES TO HOST A TRAINING FOR UNIVERSITY OF UTAH STUDENTS ON DECEMBER 5, 2016.

Commissioner Ethan Migliori made a motion to approve waiving the fee for the rental room provided the students set and up and take down chairs to reduce strain on Museum staff. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(16)

RATIFICATION OF APPROVAL FOR EMERY COUNTY SHERIFF'S OFFICE TO APPLY

FOR A GRANT FROM WAL-MART FOR THE SHOP WITH A COP PROGRAM.

Sheriff Funk explained the program. They take a student from each elementary school for the Shop with a Cop Program. The Sheriff's Department has \$2,000.00 from a fund raiser which they will use for the match for the grant from Wal-Mart. The grant program is a first come first served program so the grant application has been signed and sent and now needs to be ratified. Commissioner Paul Cowley made a motion ratify the application for a grant from Wal-Mart for the Shop with a Cop Program. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(17)

DISCUSSION AND APPROVAL OF REIMBURSEMENT AGREEMENT FOR PROPOSED SOLAR PROJECTS BY ONYX RENEWABLES.

Commissioner Migliori indicated that he has been in on a number of discussions with companies looking to do solar projects in the county. Onyx Renewables looks to be the most promising of any he has heard from. Craig Smith, Onyx Renewables was present at the meeting to discuss proposed projects. He stated that he has done several projects (solar farms) in Iron County. This is an economic development tool that the state has given counties to do projects such as this. The projects (solar farms) are mostly done with private investor funds. The property owner usually receives a property tax advantage. The tax would be split between entities. There needs to be good access to the grid, lots of sunshine, and lots of land. The company has to have an agreement with Rocky Mountain Power who will buy the power. It is low maintenance and provides a great tax base for the county. Jim Fauver, Castle Valley Ranch stated that they have 3,000 acres tied up with Onyx. This will help 5 to 6 families, rejuvenate the farm/ranch, and increase the tax base. Jordan added that California has mandated that by the year 2021 60% of their power has to come from renewable energy. Oregon is next year. Commissioner Migliori suggested letting Jordan work through the process with Mr. Smith. Motion to table was made by Commissioner Ethan Migliori, seconded by Commissioner Paul Cowley, and the motion passed.

(18)

RATIFICATION OF EMERY COUNTY EMERGENCY WATERSHED PROTECTION PROJECT FOR CASTLE DALE DIKE. BIDS WERE OPENED IN OCTOBER 4TH COMMISSION MEETING AND REVIEWED FOR COMPLIANCE. BID HAS BEEN AWARDED TO PERCO ROCK COMPANY.

Merril Johansen explained that since the time the bids were opened they have had people come in to their office to be sure the project does not disrupt wet land areas. He suggested the Commissioners table ratification until we see if we have to mitigate this issue. Commissioner Ethan Migliori made a motion to table the ratification of approval of project bids reviewed for compliance. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(19)

OPEN REQUEST FOR PROPOSALS FOR EVENT COORDINATOR.

Proposals were opened for the Event Coordinator.

- 1) Amanda Leonard
- 2) Bailey Thomas

Commissioner Ethan Migliori made a motion to refer the proposals to the Travel Council with the coordination of a Commissioner with a possible follow-up interview process and review of the budget. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(20)

DISCUSSION AND APPROVAL TO APPOINT DANNY VANWAGONER TO FILL AN UNEXPIRED TERM AS A TRAVEL BUREAU BOARD OF DIRECTORS FOR THE WESTERN SIDE OF EMERY COUNTY.

Commissioner Paul Cowley made a motion to appoint Danny VanWagoner to fill an unexpired term as a Travel Bureau Board of Directors for the western side of Emery County. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(21)

DISCUSSION AND APPROVAL TO ADVERTISE FOR A BOARD OF DIRECTOR'S SEAT FOR THE WESTERN SIDE OF EMERY COUNTY.

Commissioner Paul Cowley made a motion to advertise for a Travel Bureau Board of Director's seat for the western side of Emery County. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(22)

DISCUSSION AND APPROVAL OF FUNDING RECEIVED FOR THE DES BEE DOVE MOTORIZED TRAIL FROM STATE PARKS PROJECT.

Tina Carter, Emery County Travel Council, stated that the County has been approved to receive funds from State Parks for the Des Bee Dove Motorized Trail. This gives the Travel Council the go ahead to complete the project in the next two years. Commissioner Paul Cowley made a

motion to approve receiving the funds from State Parks for the Des Bee Dove Motorized Trail. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(23)

DISCUSSION AND APPROVAL OF THE APPLICATION FOR FEDERAL ASSISTANCE-SF-424, (REVISION TO INCREASE FUNDS) BETWEEN EMERY COUNTY AND NATURAL RESOURCES CONSERVATION SERVICES TO INCREASE TECHNICAL ASSISTANCE (TA) FUNDS IN THE AMOUNT OF \$25,000.00.

Commissioner Migliori discussed an application for Federal Assistance-SF-424 (Revision to increase funds) between Emery County and Natural Resources Conservation Services to increase Technical Assistance (TA) Funds in the amount of \$25,000.00. Merrill Johansen indicated that we may need to use some of the funds to mitigate the wetland issue. Commissioner Paul Cowley made a motion to approve the application for Federal Assistance-SF-424. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(24)

DISCUSSION AND APPROVAL TO SET THE COUNTY FAIR DATE FOR JULY 28-29, 2017

Commissioner Keith Brady explained that the Fair Committee reviewed comments from a survey conducted after the 2106 Emery County Fair. The majority of those who commented wanted the fair returned to July. The committee proposed July 28 & 29, 2017 for the 2017 Emery County Fair. Commissioner Paul Cowley made a motion to set the date of July 28 & 29, 2017 for the 2017 Emery County Fair. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(25)

DISCUSSION AND APPROVAL TO ACCEPT THE AGREEMENT WITH THE HYPNO HIC FOR THE COUNTY FAIR.

Commissioner Keith Brady explained that the Fair Committee would like to retain the 'Hypno Hic' for the 2107 Emery County Fair. Clerk/Auditor Brenda Tuttle expressed concern for obligating funds for 2017 when the budget has not been set. Attorney Mike Olsen wanted to look into the matter and suggested approval pending his finding. Commissioner Ethan Migliori made a motion to bring this item back at another meeting for discussion. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(26)

DISCUSSION AND APPROVAL OF 2017 TENTATIVE BUDGET.

Clerk/Auditor Brenda Tuttle stated that by law she is required to present a tentative budget for 2017 to the Board of Commissioners. As per the Commissioners request the budget reflects a 3% cost of living increase for all employees. The final budget will be set in December. Commissioner Paul Cowley made a motion to approve the 2017 Tentative Budget. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(27)

COMMISSION/ELECTED OFFICIALS REPORT.

Commissioner Migliori reported on the upcoming business conference on November 4th from 8:00 am until 2:00 pm. Bryan Miller will be the keynote speaker. Mike Turner who spearheaded the Utah Honor Flight Program that sends veterans to Washington, D.C. to visit the Veterans Memorial will also speak on the non-profit side of business. Others will speak to tourism in the county, social media and the internet, how to value your business structure for family to take over. It will be held at the USU EDU campus. The cost is \$20.00.

Commissioner Brady reported on attending a conference regarding the addictive use of heroin and opioids in Utah.

Commissioner Cowley reported that the Senior Christmas Party has a date of December 8th at the MOSR.

(28)

ADJOURN

The meeting was adjourned.

ATTEST: _____ COMMISSIONER: _____