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

SEPTEMBER 15, 2020

Due to restrictions in place during the Covid-19 Pandemic this meeting was offered electronically. Present at the meeting was Commission Chairman Lynn Sitterud, Commissioner Kent Wilson, Commissioner Gil Conover, 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 # 255808 through #255916 was presented for payment.

One Requisition was presented for Requisition #55-20, 81/2 x 20 Enclosed Trailer, Sheriff, $7,655.00.

There were no Dispositions.

(2)
APPROVAL OF THE SEPTEMBER 1, 2020 COMMISSION MEETING MINUTES

(3)
NOTIFICATION SELECTED ANGELINA TAYLOR, KAYLEIGH MCCANDLESS AND MEGAN HESS AS PART TIME LIFEGUARDS WORKING UP TO 19 3/4 HOURS PER WEEK. WAGE GRADE 3 @ $7.19 PER HOUR.

(4)
NOTIFICATION SELECTION SETH BAANTJER AS A PART TIME WEED AND MOSQUITO TECHNICIAN WORKING 19 3/4 HOURS PER WEEK. WAGE GRADE 14.

Motion to approve the Consent Agenda was made by Commissioner Gil Conover, seconded by Commissioner Kent Wilson, and the motion passed.

DISCUSSION AGENDA

(1)
ITEMS PULLED FROM THE CONSENT AGENDA.

(2)
PUBLIC COMMENT (3 MINUTES TIME LIMIT)

Fair Director Sandra Huntington provided a report on the success of the "Come Together, Six Feet Apart" celebration held in August as an alternative to the Emery County Fair 2020.

(3)
SAFETY MINUTE PRESENTATION BY TIFFANY BAKER, MUSEUM OF THE SAN RAFAEL.

Tiffany Baker provided a brief presentation of general safety tips.

(4)
AWARDING OF THE VISA SAFETY GIFT CARDS

VISA Safety Gift Cards were awarded to:
Full Time Employee: Melody Hoffman
Part Time Employee: Angelina Migliori
Safety Sensitive Employees: Ken Anderson and Merril Duncan

(5)
OPEN, REVIEW AND AWARD RFP FOR PUBLIC LANDS CONSULTANT.

The Clerk/Auditor's office received two RFP packets:

1) Ray Petersen
2) Sunrise Engineering.

Commissioner Kent Wilson asked for time to allow compare the proposals and award in the Commission Meeting on October 6th.

(6)
PRESENTATION BY JEREMY JORGENSEN REGARDING THE ANNUAL WILDLAND FIRE SEASON UPDATE FOR 2020.

Jeremy started out by talking about the 29 wildland fire incidents currently ongoing in the state. Jeremy talked about fuel reduction projects in the Lowry Creek corridor. They have four projects, mostly burn piles and fuel reduction projects that they will be working on after snow is on the ground. The four areas they will be working on are John Presset, Olsen Ranch, Nadine Adams and Danny Van Wagoner. They have awarded Utah Fire Department Assistance Grants to departments in Elmo in the amount of $8,790.00, Green River in the amount of $4,685.00,

and Huntington in the amount of $8,125.00. They can meet their share of the grant with in-kind resources. The funds may be used for equipment, training, IT supplies, etc. On July 23rd fire restrictions were put in place. It is not likely to be rescinded any time soon. It is a Class B Misdemeanor to violate fire restrictions, punishable by up to 6 months in jail or $1,000.00 fine.

(7)
PRESENTATION AND DISCUSSION WITH JIM JENNINGS, EMERY COUNTY PUBLIC LANDS DIRECTOR, REGARDING ACCESS TO UPPER LONG STREET ROAD.

Jim Jennings talked about private property in Green River City on the north end of Upper Long Street Road. This private property was previously owned by Mr. Holyoak. This property is now owned by Noel Vallejo. The county road runs through the property that historically has allowed access on the road all the way to the Price River which is approximately seven miles north of the Vallejo property. The public had access on this road for many years until Mr. Holyoak purchased the land and put up a gate across the road around 2005. There was a mistake made by the BLM on the Wilderness Study Area boundary that showed the boundary going to the edge of the river. Around 2018 when BLM posted the updated and corrected Wilderness boundary it showed the boundary on the west side of the road that goes up the canyon north of the Vallejo property. With the recent clarity on the Wilderness Boundary, and the history of access by the public, there has been an increased interest in having the county road remain open to allow access to the public land. Mr. Vallejo stated that he purchased the land with the understanding that the road did not go through his property. He has been offered an option by Emery County to have a road built around the edge of his property to avoid having the traffic go past his home. He has declined up to this point and has voiced that he wants the attorneys to work together to determine the legality of access on the road through his property. Emery County has tried to work through this process without litigation. However, we need to take the next step if the attorneys can not work out some agreement between Mr. Vallejo and Emery County. Jim asked the Commissioners and Attorney Mike Olsen for some counsel, input and discussion on how to proceed from this point. County Attorney Mike Olsen stated that in 2005 Mr. Holyoak, based on the information that he has, attempted to close the road down. He would get brisley and angry when people would go there. Mr. Olsen indicated that he has not received any information that Mr. Holyoak was successful in closing the road down. Historically, even through today, the road is open to the public and people have been able to use the road. Mr. Holyoak had made attempts to close the road. If the current landowner does not like that then we need to work to resolve the issue. Like anything else we can resort to the courts to assist us in resolving the issue. Mr. Vallejo's perspective that the road was closed down after 2005 and no one had access to the road was the information that the Commissioners were given. Jim indicated that the information he received is that after Mr. Holyoak received word that the BLM had the boundary on the north end of his property in his mind that there is no access. So he put up a gate to keep people from parking on his land to access the public land. Mike indicated that this has been an issue for many years. There was a public hearing held in the Courthouse a few years ago where people from Green River came and gave testimony to the historical use of the road for a long, long time. Emery County's stand is the road is open. They should not be chasing people out of there. Commissioner Wilson suggested having county Attorney Mike

Olsen meet with Mr. Villajeo's attorney to bring a peaceful resolution to this issue within a timeframe of 60 days. Mike Olsen indicated that Emery County cares very deeply about public access. As a land owner, (Mr. Vallejo) has plenty to lose if he doesn't want to compromise. You cannot harass people who are doing something lawful.

(8)
DISCUSS/APPROVE/DENY POSSIBLE ACTIONS REGARDING ACCESS TO UPPER LONG STREET ROAD.

Commissioner Kent Wilson made a motion to ask County Attorney Mike Olsen to work with Mr. Vallejo's attorney to find a peaceful resolution to the issue on Upper Long Street within sixty days. The motion was seconded by Commissioner Gil Conover. The motion passed.

(9)
PRESENTATION REGARDING THE CASTLE COUNTRY JR. LIVESTOCK SHOW.

Dani Jo Thatcher and other members of the Castle Country Jr. Livestock Show gave a report on the 2020 Jr. Livestock Show. The show was pared down this year due to COVID-19. She reported that it was fun to show their animals that they have worked with to prepare for the show. She suggested holding a Carbon/Emery Jr. Livestock Show at the Ferron City Fairgrounds near the end of June 2021 before the official Stock Show. Cassie Thatcher requested assistance to purchase belt buckles and pay judges fees. She thanked the EC Commissioners for the funding assistance this year and requested $6,000.00 for next year's show. The EC Commissioners will consider this in the budgeting process for 2021.

(10)
APPROVAL OF EMERY COUNTY BEER TAX FUNDS FISCAL YEAR 2020 ANNUAL REPORT.

Jan Luke gave an annual report on the Beer Tax Funds for Fiscal Year 2020. The amount submitted by Emery County and cities and towns in the county,(excluding Green River) is $19,044.52. The funds must be used for alcohol related offenses such as law enforcement, DUI overtime shifts, confinement and reimbursement for confinements. Commissioner Kent Wilson made a motion to accept the Annual report for EC Beer Tax Funds Fiscal Year 2020. The motion was seconded by Commissioner Gil Conover. The motion passed.

(11)
DISCUSS/APPROVE/DENY CONTRACT BETWEEN EMERY COUNTY TOURISM DEPARTMENT AND CHARLIE KESSNER FOR VIDEOGRAPHY SERVICES.

Commissioner Wilson explained that the Travel Bureau would like to hire Charlie Kessner for videography services. The cost for this service is usually $10,000.00. However, Mr. Kessner will do the work for the discounted price of $6,000.00. The video will benefit the Bouldering Community as well as market Emery County's bouldering advantages. Funds will be reimbursed through the Cares Act Funding. Attorney Mike Olsen asked for time to review the

contract to make sure it is in order. Commissioner Kent Wilson made a motion to approve a contract between Emery County Tourism Department and Charlie Kessner for videography services upon review and approval of County Attorney Mike Olsen. The motion was seconded by Commissioner Gil Conover. The motion passed.

(12)
DISCUSS/APPROVE/DENY CLOSING BOE.

Assessor Kris Bell requested closing BOE for 2020. Commissioner Gil Conover made a motion to close BOE for 2020. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(13)
DISCUSS/APPROVE/DENY BOE CHANGES FOR 2020.

Commissioner Gil Conover made a motion to approve BOE changes for 2020. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(14)
DISCUSS/APPROVE/DENY VETERAN, BLIND AND HOMEOWNER'S TAX CREDIT ABATEMENTS.

The Emery County Commissioners reviewed the list of Veteran, Blind and Homeowner's Tax Credit Abatement applications for 2020. Motion to approve the 2020 Veteran, Blind and Homeowner's Tax Credit Abatements was made by Commissioner Kent Wilson, seconded by Commissioner Gil Conover, and the motion passed.

(15)
DISCUSS/APPROVE/DENY LOW INCOME TAX ABATEMENT FOR BLAIR LARSEN.

Motion to approve a 50% Low Income Tax Abatement for Blair Larsen as in years past was made by Commissioner Kent Wilson, seconded by Commissioner Gil Conover, and the motion passed.

(16)
DISCUSS/APPROVE/DENY THE UTAH COUNTIES INDEMNITY POOL GENERAL LIABILITY INSURANCE RATE OF $200,522.00 FOR PLAN YEAR 2021.

Commissioner Gil Conover made a motion to approve the Utah Counties Indemnity Pool General Liability Insurance Rate of $200,522.00 for plan year 2021. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(17)
DISCUSS/APPROVE/DENY BLM CONTRACT 140L5720C0010 LAW ENFORCEMENT PATROL SERVICES BETWEEN THE BUREAU OF LAND MANAGEMENT AND EMERY COUNTY FOR LAW ENFORCEMENT SERVICES ON BLM LANDS WITHIN EMERY COUNTY, UTAH.

Sheriff Funk explained that they have negotiated a contract amount of $70 per hour. Commissioner Gil Conover made a motion to approve BLM contract 140L5720C0010 Law Enforcement Patrol Services between the Bureau of Land Management and Emery County for law enforcement services on BLM lands within Emery County. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(18)
DISCUSS/APPROVE/DENY EMERY COUNTY EMERGENCY MANAGEMENT'S APPLICATION FOR THE FY2020 EMERGENCY MANAGEMENT PERFORMANCE GRANT (EMPG)

Jan Luke explained that the amount of the EMPG performance grant FY2020 will be based on performance from last year. The grant covers the cost of what it cost to qualify. Commissioner Kent Wilson made a motion to approve Emery County Emergency Management's Application for the FY2020 Emergency Management Performance Grant(EMPG). The motion was seconded by Commissioner Gil Conover. The motion passed.

(19)
DISCUSS/APPROVE/DENY AGREEMENT #605435 FOR RENTAL OF A WHEELER BACKHOE LOADER FOR THE EMERY COUNTY ROAD DEPARTMENT.

Wayde Nielsen requested approval for Agreement #605435 for rental of a Wheeler backhoe loader for the Emery County Road Department. Wayde explained that it is a continuation of the previous rental agreement using the same equipment. Commissioner Gil Conover made a motion to approve Agreement #605435 for rental of a Wheeler Backhoe Loader for the EC Road Department. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(20)
DISCUSS/APPROVE/DENY PURCHASE OF HOTSPOTS AND CONTRACT WITH AT&T AND VERIZON FOR EMERY COUNTY LIBRARY SYSTEM THROUGH UTAH EDUCATION NETWORK HOT TO TROT (SPOT) PROJECT.

(21)
DISCUSS/APPROVE/DENY COMMISSION ADJUSTMENT FOR TAXES ON PARCEL 09-0300-0230, MERIT ENERGY IN THE AMOUNT OF $328.01.

Treasurer Josie Stilson requested a Commission adjustment for taxes on Parcel 09-0300-0230, Merit Energy in the amount of $328.01. She explained that they appeal their 2019 assessed value with the state. The wells have been plugged and abandoned. They did not pay 2019 taxes, so she asked for an adjustment to clean it up and move forward. A letter will be sent to Merit Energy and the Utah State Tax Commission. Commissioner Gil Conover made a motion to approve a Commission Adjustment for taxes on Parcel 09-0300-0230, Merit Energy in the amount of $328.01. The motion was seconded by Commissioner Kent Wilson. The motion passed.

(22)
DISCUSS/APPROVE/DENY ECONOMIC DEVELOPMENT SPONSORSHIP IN THE AMOUNT OF $3000 FOR THE HEROES AMONG US EVENT IN GREEN RIVER.

Commissioner Wilson explained that Green River City holds a “Heroes Among Us” event each year to celebrate veterans.

(23)
COMMISSION/ELECTED OFFICIALS REPORTS

Sheriff Funk reported that it was a quiet Labor Day weekend.

They have seen a huge increase in mental health issues. Mike Olsen indicated that mental health issues are on the rise throughout the state.

(24)
ADJOURN

Motion to adjourn the meeting was made by Commissioner Gil Conover, seconded by Commissioner Kent Wilso, and the motion passed.

ATTEST:_____ COMMISSIONER:_____