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

AUGUST 16, 2022

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, 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 #261140 through and including #261248 was presented for payment.

There was 1 requisition : 48-22 Gas Welder for SRERC in the amount of $8,180.50.
There was 1 disposition for #9369 adding machine.

(2)
APPROVAL OF THE AUGUST 2, 2022 COMMISSION MEETING MINUTES

(3)
APPROVAL TO HIRE TYLER BUTLER AS AN EQUIPMENT OPERATOR/DRIVER I. WAGE GRADE 16. EFFECTIVE 8-22-22

(4)
APPROVAL TO GIVE JOSH JOHNSON A 3% WAGE INCREASE FOR SUCCESSFUL COMPLETION OF HIS 6 MONTH ORIENTATION PERIOD AS A MECHANIC. EFFECTIVE 8-22-22.

(5)
APPROVAL TO GIVE BRAD BEAGLEY A 3% WAGE INCREASE FOR SUCCESSFUL COMPLETION OF HIS SIX MONTH ORIENTATION PERIOD AS A WEED & MOSQUITO TECHNICIAN. EFFECTIVE 8-22-22.

(6)
APPROVAL OF JOSIE ROBINSON AS A VOLUNTEER FOR ARCHIVES.

(7)
NOTIFICATION: SELECTED SHELBY O'KEEFE AS THE ASSISTANT LIBRARIAN IN GREEN RIVER. WAGE GRADE 7. EFFECTIVE 8-22-22.

(8)
NOTIFICATION: CHANSEY WINTERS AS A PART TIME CUSTODIAN AT THE SHERIFF'S OFFICE AND ROAD SHOP WORKING 12 HOURS PER WEEK. WAGE GRADE 6. EFFECTIVE 8-22-22.

(9)
APPROVAL TO MOVE JAX GARDNER FROM A LABORER TO A PART TIME EQUIPMENT OPERATOR/DRIVER I, WORKING 19 ¾ HOURS PER WEEK. GRADE 16. EFFECTIVE 8-22-22.

(10)
APPROVAL TO APPOINT KAYE NELSON TO THE EMERY COUNTY LIBRARY BOARD.

(11)
APPROVAL TO RE-APPOINT CAROLYN CARRASCO TOT HE EMERY COUNTY LIBRARY BOARD TO SERVE A SECOND TERM.

(12)
APPROVAL OF CELL PHONE STIPEND FOR TY GORDON-EMERY COUNTY ROAD DEPARTMENT.

Motion to approve the Consent Agenda was made by Commissioner Kent Wilson, seconded by Commissioner Gil Conover, and the motion passed.
AYE: Commissioner Kent Wilson
Commissioner Gil Conover
Commissioner Lynn Sitterud
NAY: none

DISCUSSION AGENDA

(1)
ITEMS PULLED FROM THE CONSENT AGENDA.

(2)
SAFETY MINUTE PRESENTATION BY TIFFANY BAKER, LEAD MUSEUM ASSISTANT.

Tiffany Baker presented tips on avoiding stress in the workplace.

(3)
AWARDING OF SAFETY VISA GIFT CARDS.

Part time employee: Tammy Funk
Full time employee: Melinda Gordon
Safety Sensitive: Justin Truman and Joel Howes
EMTs : Casey Hadden and Jerod Howes

(4)
RATIFICATION OF BORROWER SUPPORT GRANT FOR FY2023 CONTRACT.

Commissioner Gil Conover made a motion to ratify the signing of Borrower Support Grant Contract FY 2023 for the Emery County Library. The motion was seconded by Commissioner Kent Wilson. The motion passed.
AYE: Commissioner Gil Conover
Commissioner Kent Wilson
Commissioner Lynn Sitterud
NAY: none

(5)
DISCUSS/APPROVE/DENY RESOLUTION AUTHORIZING THE FILING OF CROSS-APPEALS FOR 2022 CENTRALLY ASSESSED PROPERTIES.

Commissioner Gil Conover made a motion to approve Resolution 8-16-22 authorizing the filing of Cross-Appeals for 2022 Centrally Assessed Properties. The motion was seconded by Commissioner Kent Wilson. The motion passed.
AYE: Commissioner Gil Coonover
Commissioner Kent Wilson
Commissioner Lynn Sitterud
NAY: none

(6)
DISCUSS/APPROVE/DENY UTAH SUBDIVISION AGREEMENT TO ESTABLISH UTAH ATTORNEY FEE AND EXPENSE FUND REGARDING THE UTAH OPIOID LITIGATION.

Emery County participated in Utah statewide Opioid Litigation. Now that the funds have been awarded, it's time to settle up and pay the attorney fee and expenses regarding the litigation. This agreement will establish Utah Attorney Fee and Expense Fund according to the One Utah Opioid Settlement MOU that Emery County along with many other counties entered into. Commissioner Kent Wilson made a motion to approve of Utah Subdivision Agreement to Establish Utah Attorney Fee and Expense Fund regarding the Utah Opioid Litigation. The motion was seconded by Commissioner Gil Conover. The motion passed.
AYE: Commissioner Kent Wilson

Commissioner Gil Conover
Commissioner Lynn Sitterud
NAY: none

(7)
DISCUSS/APPROVE/DENY SETTLEMENT AGREEMENT AND RELEASE (HENRY SCHEIN)-UTAH REGARDING THE UTAH OPIOID LITIGATION.

The Settlement Agreement and Release (Henry Schein) Utah Regarding the Utah Opioid Litigation is to accept the work done by the attorneys in the litigation case. If approved, Emery County as one of the named plaintiffs agrees to release Henry Schein from any and all past, present, or future claims. Commissioner Kent Wilson made a motion to approve settlement agreement and release (Henry Schein) Utah Regarding the Utah Opioid Litigation. The motion was seconded by Commissioner Gil Conover. The motion passed.
AYE: Commissioner Kent Wilson
Commissioner Gil Conover
Commissioner Lynn Sitterud
NAY: none

(8)
DISCUSS/APPROVE/DENY INTER-AGENCY COORDINATION AND SUBRECIPIENT CONTRACT AGREEMENT FOR FY 2022-2023 REGARDING THE AGING ADMINISTRATION PROGRAM.

Commissioner Kent Wilson made a motion to approve Inter-Agency Coordination and Subrecipient Contract Agreement for FY 2022-2023 regarding the Aging Administration Program. The motion was seconded by Commissioner Gil Conover. The motion passed.
Amount $460,293.00
AYE: Commissioner Kent Wilson
Commissioner Gil Conover
Commissioner Lynn Sitterud
NAY: none

(9)
DISCUSS/APPROVE/DENY EXTENSION OF INDEPENDENT CONTRACTOR AGREEMENT BETWEEN EMERY COUNTY AND ANDREW FRY FOR WORK PERFORMED FOR THE SAN RAFAEL ENERGY RESEARCH CENTER FOR FY 2021-2022 AND FY 2022-2023.

Andrew Fry has been under contract with the San Rafael Energy Research Center since 2021. Dr. Fry has been extremely beneficial to the research center in obtaining worldwide agreements for the combustion portion of the center. Dr. Fry will be in Europe next month securing continuing contracts with DRAX. It is the desire of Emery County to extend an independent Contractor Agreement between Emery County and Andrew Fry for work performed for the San

Rafael Energy Research Center FY 2021-2022 and FT 2022-2023. Funds provided by the State of Utah will continue to fund the contracted amount of $80,000. Commissioner Kent Wilson made a motion to approve extension of Independent Contractor Agreement for Andrew Fry FY 2021-2022 and 2022-2023. The motion was seconded by Commissioner Gil Conover. The motion passed.

(10)
DISCUSS/APPROVE/DENY SURFACE WAIVER AGREEMENTS FOR HORNSHADOW SOLAR.

Within the Hornshadow Solar Project Emery County has subsurface mineral rights. Hornshadow Solar has requested that Emery County sign a surface waiver agreement. The waiver will give them the right to put solar panels on the roughly 240 acre area. The Commissioners met with County Attorney Mike Olsen along with Attorney Kyle Fielding who specializes in participation agreements for this type of project. It was suggested that the county would receive $10,000 cash which will allow Hornshadow to put the solar panels up. In the agreement it specifies that Emery County will be given privileges on certain spots where EC may horizontally drill and harvest any mineral, gas, oil that may be found in the future. Commissioner Kent Wilson made a motion to enter into this surface waiver agreement for Hornshadow Solar. The motion was seconded by Commissioner Gil Conover. The motion passed.
AYE: Commissioner Kent Wilson
Commissioner Gil Conover
Commissioner Lynn Sitterud
NAY: none

(11)
DISCUSS/APPROVE/DENY PARTICIPATION AGREEMENTS FOR HORNSHADOW SOLAR AND GREEN RIVER ENERGY CENTER PHASE I AND PHASE II.

Commissioner Kent Wilson reported that these agreements have already been approved through the EC Commission. However, as we went through the process there were some changes that needed to be made to the agreements regarding the verbiage in the agreement. There needed to be some agreements drawn up that would deal with demolition, emergency plans, a release by batteries, etc. In the agreements, instead of having the CRA board handle that, it would make Emery County, through Planning and Zoning, take care of these types of obligations. Emery County has the authority to litigate and hold them accountable. With these changes the County Commissioners felt it was important to re-vote on the participation agreements. Commissioner Kent Wilson made a motion to approve the participation agreements for Hornshadow Solar and Green River Energy Center Phase I and Phase II. The motion was seconded by Commissioner Gil Conover. The motion passed.
AYE: Commissioner Kent Wilson
Commissioner Gil Conover
Commissioner Lynn Sitterud

NAY: none

(12)
COMMISSION/ELECTED OFFICIALS REPORTS.

None

(13)
ADJOURN

Motion to adjourn the meeting was made by Commissioner Gil Conover, seconded by Commissioner Kent Wilson, and the motion passed.
AYE: Commissioner Gil Conover
Commissioner Kent Wilson
Commissioner Lynn Sitterud
NAY: none

ATTEST:_____COMMISSIONER:_____