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

OCTOBER 4, 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, 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 # 261504 through and including #261594 was presented for payment.

There were no Requisitions or dispositions.

(2)
APPROVAL OF THE SEPTEMBER 20, 2022 COMMISSION MEETING MINUTES.

(3)
RATIFICATION OF APPROVAL FOR ANDY AND TINA URBANIK TO BE APPROVED VOLUNTEERS DRIVING A SHUTTLE CAR DURING THE 2022 JOES VALLEY FEST.

(4)
APPROVAL OF JEANETTE WOOLSEY TO BE A VOLUNTEER AT THE MUSEUM OF THE SAN RAFAEL, SPECIFICALLY THE PARANORMAL EVENT.

(5)
APPROVAL TO RECLASSIFY DEZERAY HERNANDEZ FROM A ¾ TIME EMPLOYEE WORKING 29 HOURS PER WEEK WITH PRORATED VACATION, SICK, HOLIDAY AND RETIREMENT TO A VARIABLE PART TIME EMPLOYEE WORKING 20-29 HOURS PER WEEK WITH PRO RATED RETIREMENT. EFFECTIVE 10-17-22.

(6)
APPROVAL TO RE-APPOINT ETHAN MIGLIORI TO THE CAREER SERVICE COUNCIL TERM ENDING 6-30-23.

(7)
APPROVAL TO RE-APPOINT SCOTT JOHANSEN TO THE CAREER SERVICE COUNCIL TERM ENDING 6-30-24

Motion to approve the Consent Agenda 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

DISCUSSION AGENDA

(1)
ITEMS PULLED FROM THE CONSENT AGENDA.

None

(2)
RETIREMENT PRESENTATION TO CAPTAIN KYLE EKKER AND WAYDE NIELSON.

Captain Kyle Ekker has been with Emery County for 36 years. He is credited with being the Jail Commander, Emergency Protection Services, the driving force behind the Drug Task Force, rope rescue team, training in schools, securing funds for Watershed Protection in Emery County and many, many more duties.

Whitney Conrad from the Division of Emergency Management also added to the tribute to Captain Ekker.

Emery County Commissioners and Elected officials expressed appreciation for Captain Ekker and wished him happiness on his journey to retirement.

Wayde Nielson was not available to attend the meeting. EC Commissioners wanted to send happy retirement wishes to him as well and thanks for his many years of service to Emery County.

(3)
RATIFICATION OF THE PERCENTAGES EMERY COUNTY ELECTS FOR TITLE I, TITLE II AND TITLE III SECURE RURAL SCHOOL FUNDS.

Treasurer Josie Stilson requested ratification of the percentages as follow:
Title I 85% this goes to roads and schools
Title II 8% this is held for the Forest Service
Title III 7% this goes to the County for projects.
Josie indicated that the document to Secure Rural School Funds was due by September 30, 2022. Ratification is now needed for the action taken to approve and send in by September 30. Commissioner Kent Wilson made a motion to ratify approval of the percentages Emery county elected for Title I, Title II and Title III Secure Rural School Funds as presented. The motion was seconded by Commissioner Gil Conover. The motion passed.
AYE: Commissioner Kent Wilson
Commissioner Gil Conover
Commissioner Lynn Sitterud
NAY: None

Motion to leave the regular meeting and enter into a Public Hearing to receive public comment regarding proposed zoning changes to parcels of land located at and/or adjacent to the San Rafael Energy Research Center and at the conclusion of the Public Hearing to return to the regular meeting agenda 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

(4)
PUBLIC HEARING: TO RECEIVE COMMENT REGARDING PROPOSED ZONING CHANGES TO PARCELS OF LAND LOCATED AT AND/OR ADJACENT TO THE SAN RAFAEL ENERGY RESEARCH CENTER.

Commissioner Sitterud explained that a public hearing was held on September 20, 2022. This is a second public hearing to allow citizens to comment on zoning changes to parcels of land located at and/or adjacent to the SRERC. The subject of the public hearing is to change the zoning declaration of parcel 4-19-30 and 4-19-29 to industrial. The current zoning declaration is agriculture. He explained that the zoning was never changed when Pacificorp put up the Central Warehouse, which is where the SRERC is now located. Emery County purchased the property adjacent to the SRERC with a desire to have an Industrial Park at this location. At the first public hearing comments were made regarding water shares for the SRERC, the type of possible businesses who will locate at the Industrial Park, the type of research being done at the research facility. The comments and questions from the September 20th meeting were

addressed at that time. Commissioner Sitterud asked if there were any additional comments or questions regarding the proposed zone change. Commissioner Wilson indicated that the property has been used as Industrial for many years. Emery County is seeking to formally change the zoning of land that was previously zoned as agriculture. Emery County currently does not have land that is zoned as commercial or industrial, it has historically been done by conditional use permits for that purpose. Rezoning parcels could be of benefit to businesses. Emery County would like to be proactive in changing the zoning status of the parcels discussed.

Julie Johansen commented that a family member tried to get a loan for a business outside of Emery and was denied because the property is not zoned as commercial.

There were no additional comments.

The Public Hearing was closed.

(5)
DISCUSS/APPROVE/DENY CHANGING ZONING DECLARATIONS ON PARCEL 4-19-30 AND 4-19-29, WHICH EMERY COUNTY OWNED LAND AT AND ADJACENT TO THE SAN RAFAEL ENERGY RESEARCH CENTER.

Upon returning to the regular meeting Commissioner Kent Wilson made a motion to approve a zoning declaration for parcel 4-19-30 and parcel 4-19-29 as Industrial. The motion was seconded by Commissioner Gil Convoer. The motion passed.
AYE: Commissioner Kent Wilson
Commissioner Gil Conover
Commissioner Lynn Sitterud
NAY: none

(6)
DISCUSS/APPROVE/DENY LEASE AGREEMENT AMENDMENT BETWEEN EMERY COUNTY AND THE ADMINISTRATIVE OFFICE OF THE COURTS.

Attorney Mike Olsen explained that Emery County has had a lease with the Administrative Office of the Courts in place since the existence of the building. The amendment is to allow the third courtroom to be used by the Attorney's Office for counsel with victims. Mr. Olsen recommended approval of the lease agreement amendment. Commissioner Kent Wilson made a motion to approve the lease agreement between Emery County and the Administrative Office of the Courts. 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 RESOLUTION APPOINTING MARY HUNTINGTON AS THE OFFICIAL EMERY COUNTY REPRESENTATIVE AND COMMISSIONER LYNN SITTERUD AS THE ALTERNATE REPRESENTATIVE FOR THE UCIP ANNUAL MEMBERSHIP MEETING.

Commissioner Kent Wilson made a motion to approve Resolution 10-4-22 appointing Mary Huntington as official Emery County Representative and Commissioner Lynn Sitterud as alternate representative for the UCIP Annual Membership Meeting. 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 ACCEPTANCE OF AWARD FROM THE STATE OF UTAH DIVISION OF EMERGENCY MANAGEMENT FOR THE FY 2022 HOMELAND SECURITY PROGRAM GRANT.

Jan Luke indicated that the award is for $128,000 for the three year performance period. The funds are used for reverse 911, Code Red, satellite phones cyber security, support of hazmat team, line feed security cameras, and AED support. Commissioner Gil Conover made a motion to accept the award from the State of Utah Division of Emergency Management for the FY 2022 Homeland Security Program Grant. The motion was seconded by Commissioner Kent Wilson. The motion passed.
AYE: Commissioner Gil Conover
Commissioner Kent Wilson
Commissioner Lynn Sitterud
NAY: none

(9)
DISCUSS/APPROVE/DENY APPOINTING MAYOR REN HATT AND COMMISSIONER LYNN SITTERUD TO THE NOMINATION COMMISSION OF THE ADMINISTRATIVE OFFICE OF THE COURTS TO ASSIST IN THE JUSTICE COURT JUDGE SELECTION PROCESS.

Attorney Mike Olsen indicated that the selection process is a state requirement and is guided by state statute. Commissioner Gil Conover made a motion to appoint Mayor Ren Hatt and Commissioner Lynn Sitterud to the Nomination Commission of the Administrative Office of the Courts to assist in the Justice Court Judge Selection Process. The motion was seconded by Commissioner Kent Wilson. The motion passed.
ATYE: Commissioner Gil Conover
Commissioner Kent Wilson

Commissioner Lynn Sitterud
NAY: none

(10)
COMMISSION/ELECTED OFFICIAL REPORTS

Sheriff Funk expressed gratitude for Captain Ekker.
Commissioner Wilson reported on attending a grand opening for a new business in Green River.
Commissioner Conover expressed gratitude to all employees for continuing “no loss time”.

(11)
ADJOURN

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

ATTEST:_____ COMMISSIONER:_____