

MINUTES OF THE SPECIAL PUBLIC MEETING OF THE UTAH COUNTY COMMISSION JULY 18, 2016 IN THE COMMISSION CHAMBERS OF THE COUNTY BUILDING AT 147 EAST MAIN, VERNAL, UTAH. MEETING COMMENCED AT 11:00 AM.

PARTICIPANTS: COMMISSIONERS WILLIAM STRINGER; MICHAEL MCKEE; AND MARK RAYMOND, CHAIR.

ATTENDANCE: SUSAN BABCOCK, MERLENE HALL, MARY STEWART, CHERISSA COLLETT, JC BREWER, KAYTIE BINGHAM, CHELSIE GOODRICH, CHRISTA DAVIES, LEE MOON, KEN ASAY, CAROL SCHOLES, LILA RICH, SHARLENE HEMPHILL, LEON HEMPHILL, ANDREA FLORES, JARED MCKEE, LORI NAY, STEVEN SROKA, BRENDA MCDONALD, JEREMY RAYMOND, BRYAN MEIER, ASHLYN MEIER, KIM CHRISTENSEN, JOEL BROWN, BARBRA SIMPER, THOMAS WINTERTON, ELISA CALDWELL, JAMES MORSE, TONYA WILSON, ADAM MASSEY, GENE BROWN, MICHAEL WILKINS, JON STEARMER AND SEVERAL CHILDREN RECEIVING A STAMP IN THEIR PASSPORT TO SUMMER.

MINUTES RECORDED BY TAI BRUCKNER

PRAYER OFFERED BY BRENDA MCDONALD

PLEDGE OF ALLEGIANCE LED BY CHERYL MEIER

APPROVAL OF MINUTES: MEETING JULY 11, 2016

APPROVAL OF WARRANTS DATED JULY 14, 2016 IN THE AMOUNT OF \$337,387.32 WERE APPROVED AS PRESENTED.

TAX MATTERS: MICHAEL WILKINS

THE STATE ORDERED US TO ADD THREE RIVERS GATHERING AS ESCAPED PROPERTY. AS THIS HAS BEEN SETTLED, THE ESCAPED PROPERTY CAN BE REMOVED.

COMMISSIONER STRINGER MOVED TO REMOVE THE ESCAPED TAX ON THREE RIVERS GATHERING. COMMISSIONER MCKEE SECONDED. MOTION PASSED UNANIMOUSLY.

TAX MATTERS: BARBARA SIMPER

BARBARA IS REQUESTING A REFUND OF BUSINESS PERSONAL PROPERTY TAX IN THE AMOUNT OF \$3,495.75 ON ACCOUNT #92. THE COMPANY HAS A NEW EMPLOYEE WHO OVERPAID THE AMOUNT DUE. SHE ALSO REQUESTED A REFUND OF BUSINESS PERSONAL PROPERTY TAX IN THE AMOUNT OF \$1,007.75 ON ACCOUNT #1450. THE COMPANY HAD MAILED A CHECK BUT IT WAS NOT RECEIVED. THEY SENT A SECOND CHECK WITH THE PENALTY AND INTEREST. THEN THE FIRST CHECK WAS RECEIVED WITH A POSTMARK PRIOR TO THE DEADLINE

COMMISSIONER MCKEE MOVED TO APPROVE THE TAX REFUNDS AS PRESENTED. COMMISSIONER STRINGER SECONDED. MOTION PASSED UNANIMOUSLY.

BUSINESS LICENSES: ROBERT BARNHILL

NOTHING KNEW, LLC OWNED BY LANDON MANWARING, LOCATED AT 3498 EAST 3500 SOUTH, VERNAL IN A-1 ZONING. THEY PROVIDE MUSICAL ENTERTAINMENT. ALL APPEARS TO BE IN ORDER AND APPROVAL RECOMMENDED WITH THE CONDITIONS TO FOLLOW ALL A-1 ZONING AND HOME BUSINESS REGULATIONS.

COMMISSIONER STRINGER MOVED TO APPROVE THE BUSINESS LICENSE AS PRESENTED. COMMISSIONER MCKEE SECONDED. MOTION PASSED UNANIMOUSLY.

CEMETERY CERTIFICATES: MICHAEL WILKINS

HARRISON PERRY FOWLES PURCHASED BLOCK B LOT 24 SPACE 2 IN THE HAYDEN CEMETERY FOR THE SUM OF \$200.

DOYLE RASMUSSEN IS SELLING BACK TO UINTAH COUNTY BLOCK 148 LOT 3 SPACES 1-8 IN THE LAPOINT CEMETERY.

DENNIS P ERICKSEN IS SELLING BACK TO UINTAH COUNTY BLOCK 306 SPACE 2 IN THE ROCKPOINT CEMETERY.

COMMISSIONER MCKEE MOVED TO APPROVE THE CEMETERY TRANSACTIONS AS PRESENTED. COMMISSIONER STRINGER SECONDED. MOTION PASSED UNANIMOUSLY.

COMMISSIONER STRINGER NOTED IT HAS OCCURRED TO HIM THAT THE PLOTS ARE NOT THE SAME PRICE IN EVERY CEMETERY. MICHAEL WILKINS AGREED THEY ARE NOT. WHEN LOTS ARE SOLD BACK TO THE COUNTY THEY ARE PURCHASED AT THE GOING RATE LESS A 25% FEE. THOSE THAT WERE PURCHASED MANY, MANY YEARS AGO, MAY RECEIVE MORE THAN THEY PAID BUT THAT IS HOW THE ORDINANCE READS.

RURAL UTAH ALLIANCE PRESENTATION – LORI NAY

LORI IS HERE TO INTRODUCE THE COMMISSION TO THE RURAL UTAH ALLIANCE. SHE PRESENTED EACH ONE WITH A PACKET OF INFORMATION. SHE IS THE FORMER GUNNISON MAYOR. SHE KNOWS THE COMMISSION LEVEL IS WHERE THINGS HAPPEN. THE COUNTIES HAVE TO DEAL WITH FEDERAL AND SOMETIMES STATE, OVERREACH. THE RURAL UTAH ALLIANCE WAS PUT TOGETHER BY SENATOR OKERLUND AND OTHERS IN THE LEGISLATURE TO FILL A GAP THEY SAW IN REGARDS TO THE NEEDS OF RURAL COUNTIES. THE COUNTIES NEED HELP AND RESOURCES. THIS IS A NON PROFIT ADVOCATE FOR RURAL COUNTIES. THEY HAVE A BROAD FOCUS THAT WILL BE NARROWED BY THOSE WHO JOIN NOW AS FOUNDING COUNTIES. COUNTIES ATTENDING THE FOUNDING MEETING IN AUGUST ARE ASKED TO BRING THEIR FIVE MOST CRITICAL ISSUES TO DETERMINE THE PRIORITY FOCUS FOR THE RURAL UTAH ALLIANCE, RUA. THE LEGISLATURE HAS PROVIDED \$250,000 TO RUA. THE MISSION IS TO WORK COLLABORATIVELY WITH STATE AND COUNTY OFFICIALS TO MEET THE NEEDS OF RURAL COUNTIES AND RESIDENTS. OKERLUND SUPPORTS RUA BECAUSE THE CFR CHANGES SO QUICKLY AND CONSTANTLY. MANY COMMISSIONERS OFTEN FEEL BLINDSIDED. THIS ORGANIZATION COULD BE A CLEARING HOUSE AND SOURCE OF INFORMATION. IT CAN ALSO BE THE NEXT STEP TO DETERMINE WHAT CAN BE DONE. THEY CAN PROVIDE LOBBYING SOURCES AND POLICY MAKING WITH THE STATE LEGISLATURE. THE ORGANIZATION CAN ALSO HELP WITH LITIGATION. ONE DUCHESNE COUNTY COMMISSIONER ASKED WHY THEY ARE USING ATTORNEY PETER STERPA. THEY ALL FELT HE WAS THE RIGHT MAN FOR THE JOB. HE HAS A REPUTATION FOR INTEGRITY AND UNDERSTANDS THE COUNTIES. HE WAS LAWYER OF THE YEAR IN 2014. RURAL UTAH INDIVIDUALS HAVE INTEGRITY AND A SENSE OF PURPOSE AND BRING MANY TALENTS TO THE TABLE. EACH YEAR MEMBER COUNTIES WILL PROVIDE \$5000 TO RUA. THE FIRST CONTRIBUTION IS ONLY \$2500. AS RUA IS A NON PROFIT, INDIVIDUALS MAY ALSO DONATE TO THE ORGANIZATION. EACH MEMBER COUNTY WILL HAVE ONE MEMBER ON THE BOARD OF DIRECTORS. THE FOUNDING MEETING WILL BE IN AUGUST TO ESTABLISH BYLAWS, INTENT AND FOCUS. RUA COULD PROVIDE #1 ACCESS TO EXCEPTIONAL CONSULTING, COUNCIL, AND INFORMATION. IT IS AN ADVOCATE FOR RURAL COUNTIES. IT WILL SERVE AS A RESOURCE CENTER AND CLEARING HOUSE FOR CFR. IT CAN ALSO SERVE AS A LOBBYING ENTITY FOR THE COUNTIES. THEY WILL HELP SHAPE STATE POLICY, AND PERHAPS FEDERAL. RUA CAN ALSO PROVIDE LITIGATION IF NEEDED. THE RURAL COUNTIES CAN STAY CONNECTED AND WORK TOGETHER TO FIND SOLUTIONS TO SIMILAR ISSUES. THE PLI, PUBLIC LANDS INITIATIVE, WILL AFFECT OUR COUNTY BUT WE DON'T KNOW HOW MUCH. RUA COULD BE OUR VOICE AND HELP LEVEL THE PLAYING FIELD.

COMMISSIONER RAYMOND THANKED HER FOR HER TIME. WE RECOGNIZE THE NEED FOR SUCH AN ORGANIZATION. JC BREWER ASKED WHAT CFR WAS. CFR STANDS FOR THE CODE OF FEDERAL REGULATIONS. COMMISSIONER MCKEE ADDED THERE ARE DIFFERENT GROUPS OUT THERE TRYING TO DO GOOD THINGS AND WE APPLAUD THEIR ATTEMPTS. EACH HAS A DIFFERENT FOCUS. THE COMMISSIONERS GREATLY APPRECIATE HER INFORMATION AND WILL REVIEW IT. COMMISSIONER MCKEE ADDED THERE ARE SO MANY GROUPS OUT THERE PERHAPS THEY COULD COORDINATE TOGETHER. LORI AGREED NOTED OKERLUND HAS MENTIONED HE WOULD LIKE TO DISCUSS INTERFACING THE DIFFERENT ORGANIZATIONS. THE LEGISLATURE HAS ALREADY FUNDED THIS

ORGANIZATION. COMMISSIONER STRINGER ASKED IF THERE WOULD BE AN OPPORTUNITY TO JOIN AT A LATER DATE. LORI RESPONDED IT IS POSSIBLE BUT AS A FOUNDING COUNTY THEY WOULD BE ABLE TO PARTICIPATE IN SPECIFYING THE INTENT AND DESIGN THE ORGANIZATION.

CRAFT FAIR CHECK PRESENTATION TO GURR FOUNDATION – SUSAN BABCOCK

SUSAN THANKED THE COMMISSIONERS FOR ALLOWING THEM TO USE THE LAWN FOR THE 26TH YEAR. MERLENE HALL HAS HANDED THE CRAFT FAIR RESPONSIBILITIES OVER TO HER. THERE WERE 76 BOOTHS, FIVE WERE FREE. THERE WERE 218 CRAFTERS OR HELPERS IN THE BOOTHS. THEY WOULD LOVE TO COME BACK NEXT YEAR. COMMISSIONER RAYMOND EXPRESSED APPRECIATION FOR THEIR EFFORTS AND THOSE THAT HAVE BEEN WORKING DILIGENTLY OVER THE LAST 26 YEARS. IT IS SOMETHING THE COMMUNITY LOOKS FORWARD TO. MERLENE HALL COMMENTED WHEN THEY STARTED 26 YEARS AGO TO RAISE FUNDS FOR THE WAR MEMORIAL OUT FRONT, THEY HAD 15 BOOTHS. TONYA WILSON REPRESENTING THE GURR FOUNDATION, ACCEPTED THE \$500 CHECK. SHE THANKED EVERYONE THAT CONTINUES TO HELP THEIR FOUNDATION.

SITLA LEASE

COMMISSIONER MCKEE NOTED UNDER ECONOMIC DEVELOPMENT WE HAVE AN OPPORTUNITY TO FURTHER DIVERSIFY OUR ECONOMY. THERE IS A SECTION OF SITLA WEST OF BUCKSKIN HILLS IDENTIFIED YEARS AGO AS VALUABLE TO RECRUITING BUSINESS. IT WAS DESIGNATED AND ZONED INDUSTRIAL FOR SUCH USES. THE COUNTY HAS PREVIOUSLY DISCUSSED PURCHASING THE PROPERTY AND THEN SELLING TO DEVELOPMENT. IT HAS BEEN DECIDED TO LEASE THE PROPERTY INSTEAD. THE COUNTY WILL PAY SITLA \$5000 EACH YEAR TO LEASE THE 640 ACRES. WE WILL MARKET THE LAND TO DEVELOPERS. THEY CAN REQUEST ANY SIZE OF LOT THEY MAY NEED. THIS IS A TEN YEAR LEASE WITH OPTIONS TO RENEW. WE WILL HAVE TO BE ACTIVE IN MARKETING THE SPACE. SEVERAL ENTITIES HAVE SHOWN INTEREST. WE WILL BE ABLE TO RECOUP COSTS AS WE SELL THE PROPERTY.

SITLA HAS APPROVED AND JON STEARMER HAS REVIEWED IT. THERE ARE CLAUSES HE WOULD WRITE DIFFERENT AS IT FAVORS SITLA BUT WE DO HAVE THE RIGHT TO TERMINATE THE LEASE AT ANY TIME. COMMISSIONER STRINGER ASKED IF THERE WERE PROVISIONS FOR THE LEASE TO ESCALATE. JON REPLIED WHEN THE LEASE IS RENEWED THE COST CAN INCREASE OR STAY THE SAME BUT NEVER DECREASE.

COMMISSIONER MCKEE MOVED TO APPROVE THE SITLA LEASE AS PRESENTED. COMMISSIONER STRINGER SECONDED.

JARED MCKEE ASKED HOW MANY ACRES AND WHAT WOULD HAPPEN TO THE BUSINESS IF WE TERMINATE THE LEASE. IT IS 640 ACRES. THE DEVELOPMENT OR BUSINESS WILL PURCHASE THE LAND. THE COUNTY WOULD THEN CONTINUE TO LEASE THE REMAINDER OF THE ACREAGE UNTIL IT IS ALSO SOLD. TERMINATING THE LEASE WOULD NOT AFFECT THOSE THAT HAVE MOVED IN. COMMISSIONER MCKEE ADDED THERE IS VALUE IN CREATING A PLAN OF DEVELOPMENT FOR THAT AREA. OTHERS HAVE INDICATED AN INTEREST IN HELPING WITH THE PLAN.

COMMISSIONER RAYMOND CALLED FOR A VOTE. MOTION PASSED UNANIMOUSLY.

PUBLIC HEARINGS REGARDING ORDINANCES #7-18-2016 O1 THROUGH O5

ORDINANCE #07-18-2016 O1: BROWN RANCH ROAD VACATION – T2S R2E, SECTION 21 & 28

THIS ROAD IS SOUTH OF HIGHWAY 40 GOING SOUTH INTO THE RANDLETT AREA. THE ROAD GOES THROUGH TWO PARCELS, EACH OWNED BY THE SAME PERSON. IT STARTS TO THE NORTH AT A GATE FROM BLM PROPERTY AND TRAVELS SOUTH ENDING ON BROWN'S PROPERTY AT A POND. CHERYL HAS TRAVELED THE ROAD ON FOOT AND IT IS MAINTAINED BY THE PROPERTY OWNER. BLM WAS NOTIFIED AS WAS UDOT. THE PROPERTY OWNER TO THE NORTH WAS ALSO NOTIFIED THOUGH IT DOES NOT ACCESS HIS PROPERTY. THE ROAD DOES NOT PROVIDE ACCESS TO ANY PUBLIC PROPERTY EITHER. THE BLM DID NOT RESPOND AND UDOT RESPONDED WITH NO ISSUES. GENE BROWN INDICATED THE ROAD IS FOR HIS USE ONLY. IT ACCESSES HIS IRRIGATION.

COMMISSIONER MCKEE MOVED TO APPROVE ORDINANCE #07-18-2016 01 TO VACATE THE BROWN RANCH ROAD AS PRESENTED. COMMISSIONER STRINGER SECONDED.

AS THIS IS A PUBLIC HEARING, COMMISSIONER RAYMOND ASKED FOR INPUT. MICHAEL WILKINS ASKED IF THE IRRIGATION THIS ROAD ACCESSES IS THEIR OWN OR SOMEONE ELSE'S. GENE BROWN RESPONDED IT ONLY ACCESSES HIS OWN HEADGATES. WITH NO FURTHER COMMENTS, COMMISSIONER RAYMOND CLOSED THE PUBLIC HEARING FOR THIS ORDINANCE.

COMMISSIONER RAYMOND CALLED FOR A VOTE. MOTION PASSED UNANIMOUSLY.

JON STEARMER NOTED IN ALL THESE ORDINANCES, THE MAPS SAY RESOLUTION NOT ORDINANCE. THIS WILL BE CORRECTED.

ORDINANCE #07-18-2016 02: HICKEN RANCH ROAD VACATION – T2S R1E SECTION 32 & 33 AND T3S, R1E, SECTION 4 & 5

THIS ROAD IS SOUTH OF HIGHWAY 40 IN THE RANDLETT AREA. IT COMES OFF A CLASS B ROAD AND CONTINUES TO THE WEST. THERE IS A LOCKED GATE WHERE IT COMES OFF THE CLASS B ROAD. IT ENDS ON THE RANCH PROPERTY. ALL THE PROPERTIES IT CROSSES THROUGH ARE OWNED BY THE SAME COMPANY, ADAMANTIUM REAL ESTATE. THE BIA, UINTAH IRRIGATION, MOON LAKE ELECTRIC, AND MARK HICKEN, PROPERTY OWNER TO THE NORTH, WERE ALL NOTIFIED. AS WELL AS A PROPERTY OWNER TO THE SOUTH, SWENSON. HICKEN AND MOON LAKE HAVE EACH INDICATED THEY ARE OPPOSED UNTIL THEY HAVE A RIGHT OF WAY FOR ACCESS. THESE EASEMENTS HAVE BEEN RECORDED AND MOON LAKE AND HICKEN HAVE REQUESTED TIME TO REVIEW THEM BEFORE APPROVING THE VACATION. THE BIA IS IN OPPOSITION.

COMMISSIONER RAYMOND OPENED UP THE ITEM FOR PUBLIC COMMENT ASKING INDIVIDUALS TO USE THE MICROPHONE AND INTRODUCE THEMSELVES.

THOMAS WINTERTON, REPRESENTING ADAMANTIUM REAL ESTATE, ADDRESSED THE MEETING. THEY WOULD LIKE THE ROAD VACATED FOR PUBLIC HEALTH AND SAFETY. THIS IS WHAT IS CONSIDERED SKIN WALKER RANCH AND THEY HAVE STRUGGLED WITH TRESPASSING, VANDALISM AND THEFT. PEOPLE COME FROM ALL OVER TO SEE THIS PROPERTY. AN ELDERLY COUPLE TAKES CARE OF THE PROPERTY AND WERE RECENTLY GIVEN QUITE A FRIGHT BY A TRESPASSER. THIS RANCH IS OWNED BY BIGELOW AEROSPACE AND HE FEELS HE CAN DO WHATEVER HE WANTS. HOWEVER, HE NOW HAS A BUSINESS PARTNER THAT WANTS TO FOLLOW ALL THE RULES. THEY HAVE BEEN GOING THROUGH ISSUES FROM THE LAST 20 YEARS AND FIXING THEM. THE ROAD IS A CLASS D FROM THE GATE AND IS NOT MAINTAINED. AS IT IS THE ONLY ROAD THEY HAVE TO TRAVEL ACROSS THE RANCH, IT WILL REMAIN IN PLACE. IN REGARDS TO THE RIGHT OF WAY EASEMENTS, THEY HAVE USED THE LEGAL DESCRIPTION PROVIDED BY THE COUNTY FOR THE ROAD, IT SHOULD BE IDENTICAL TO WHAT THEY HAVE NOW. THE LOCKED GATE HAS BEEN THERE FOR MANY YEARS BUT LEGALLY SHOULD NOT BE. THEY WOULD LIKE APPROVAL WITH THE CONDITION THE RIGHT OF WAY MEETS THE REQUIREMENTS OF HICKEN AND MOON LAKE.

COMMISSIONER STRINGER ASKED IF THEY HAVE DISCUSSED THIS WITH THE BIA. THOMAS INDICATED THEY REACH OUT BUT HAVE NOT HEARD BACK. HE ADDED MOON LAKE HAS A LOCK ON THE GATE AS WELL. THERE IS A CANAL TO ACCESS. ON THE MAP, WEST OF THE GATE, IT SHOWS A ROAD BRANCHING OFF TO THE SOUTH ONTO TRIBAL PROPERTY. THEY HAVE NOT BEEN ABLE TO FIND THIS ROAD. WHERE IT SHOULD BE, THERE ISN'T ONE. THEY CANNOT VACATE THE ROAD PAST THE TRIBAL PROPERTY AS THAT WOULD PUT THE GATE DIRECTLY IN THE YARD OF THE CARETAKER'S HOME. THEY ARE WILLING TO WORK WITH THE BIA. THERE IS A WASH THAT IS NOT PASSABLE. PROPERTY OWNER SWENSON TO THE SOUTH GAINS ACCESS TO HIS PROPERTY FROM THE SOUTH. HE DID NOT RESPOND.

COMMISSIONER MCKEE NOTED THIS IS A BIGGER PICTURE THAN JUST THIS ROAD. A CLASS D ROAD IS NOT MAINTAINED. THERE ARE ROADS ON PUBLIC LANDS THAT ARE HARDER TO SEE THAN OTHERS. A LOCK IS ILLEGAL ON A COUNTY ROAD. THOMAS WINTERTON AGREED BUT NOTED THIS IS PRIVATE PROPERTY AND DOES NOT ACCESS PUBLIC PROPERTY. COMMISSIONER MCKEE ADDED

WHEN A ROAD IS VACATED IT IS TYPICALLY A ROAD WITHIN THEIR OWN PROPERTY OR A GROUP WHO GETS TOGETHER TO VACATE A ROAD THAT IS OF NO USE TO ANYONE ELSE. THOMAS ADDED THE PRIVATE ENTITIES ARE GOING TO BE GIVEN A RIGHT OF WAY FOR ACCESS PERMANENTLY JUST AS THEY HAVE ALWAYS HAD. COMMISSIONER MCKEE NOTED IF THEY WERE ALL IN FAVOR IT WOULD MAKE THEIR DECISION EASIER. HICKEN AND MOON LAKE AND REQUESTED TIME TO REVIEW THE EASEMENT.

KEN ASAY, BIA, ADDRESSED THE MEETING. THIS ROAD RUNS ALONG THEIR CANAL, WHICH IS FEDERAL. THEY HAVE ONLY RECEIVED NOTICE FROM PUBLIC LANDS. HE IS SURE THE SUPERINTENDENT WILL BE WILLING TO SIT DOWN AND WORK ON THINGS BUT THEY WILL HAVE TO VOICE OPPOSITION AT THIS POINT.

MARY STEWART, MOON LAKE ELECTRIC, NOTED THERE ARE SEVERAL POLES AND POWERLINES ALONG THE ROAD THAT SERVE TWO CONSUMERS. THEY HAVE RECEIVED THE EASEMENT AND WOULD LIKE TIME TO REVIEW IT. AS LONG AS IT ALLOWS THEM THE ACCESS THEY NEED, THEY ARE NOT OPPOSED.

JC BREWER NOTED THE ROAD CONTINUES ON WEST PAST THE RANCH ONTO BIA PROPERTY. HE WANTED TO ENSURE THERE WAS ACCESS TO THAT PROPERTY FROM THE WEST. THERE IS, IT TIES INTO INDEPENDENCE ROAD. COMMISSIONER RAYMOND CLOSED THE ITEM FOR FURTHER PUBLIC DISCUSSION.

COMMISSIONER STRINGER MOVED TO TABLE ORDINANCE #07-18-2016 O2 VACATING THE HICKEN RACH ROAD PENDING AGREEMENT FOR ALL PARTIES. COMMISSIONER MCKEE SECONDED.

THE COMMISSION THANKED THEM FOR THE AMOUNT OF WORK BEING DONE AND FOR HEADING IN THE RIGHT DIRECTION. COMPLETE DISCUSSION IS NEEDED TO APPROVE THE VACATION. JON STEARMER NOTED ONCE THE PUBLIC HEARING IS CLOSED WE NEED TO ENSURE THE PARTIES KNOW WHEN IT WILL BE ON THE AGENDA AGAIN. WE CAN SEND OUT NEW NOTICES OR SET UP A SPECIFIC DATE. CHERYL MEIER WOULD PREFER A DATE BE SET. HOWEVER, THE BIA MAY REQUIRE MORE TIME AND THAT AMOUNT IS UNKNOWN. SHE AGREED AND WILL CONTACT THE INTERESTED PARTIES ONCE DISCUSSION IS COMPLETE.

COMMISSIONER RAYMOND CALLED FOR A VOTE. MOTION PASSED UNANIMOUSLY.

CHERYL MEIER ADDED SHE VISITED THIS ROAD WITH THE ROAD DEPARTMENT. BRYAN MEIER, ROAD DEPARTMENT, REQUESTED SOME SORT OF TURNAROUND BE MADE BY THE PROPERTY OWNER FOR THE ROAD DEPARTMENT EQUIPMENT. THOMAS WAS AWARE AND AGREED TO DO SO.

ORDINANCE #07-18-2016 O3: 3000 SOUTH ROAD VACATION – T2S, R1E, SECTION 31 &32 AND T3S R1E SECTION 5 & 6

THIS ROAD IS EAST OF THE ROAD WE JUST DISCUSSED. IT HAS AN ODD CURVE EAST OF THE GATE AND CONTINUES WEST ON 3000 SOUTH. IT BRANCHES TO THE NORTH TWICE BUT ENDS ON PROPERTY OWNED BY THE SAME INDIVIDUAL. THEY ARE ASKING THE ROAD BE VACATED WEST FROM THE GATE, NOT INCLUDING THE BLM GATE, AND THE TWO NORTH BRANCHES. CHERYL INDICATED THE EASTERN BRANCH TO THE NORTH IS NOT A ROAD. WHERE IT SHOULD BE IS A CENTER PIVOT. THE OTHER BRANCH THAT GOES NORTH IS NOT A ROAD EITHER. THE ROAD VACATION STARTS AND ENDS ON PROPERTY OWNED BY THE SAME INDIVIDUALS. THE BIA HAS BEEN NOTIFIED AND HAVE THE SAME CONCERNS AS THE LAST REQUEST. MOON LAKE ALSO WANT TO ENSURE THEY HAVE A RECORDED RIGHT OF WAY FOR ACCESS. PUBLIC LANDS SENT A NOTICE TO THE PROPERTY OWNER TO THE EAST BUT IT WAS RETURNED UNDELIVERABLE.

CAROL SCHOLES AND LILA RICH ADDRESSED THE MEETING. THEY DO NOT WANT TO KEEP ANYONE OUT THAT HAS A REASON TO BE THERE. OVER THE LAST COUPLE OF YEARS, THE GATES HAVE BEEN LEFT OPEN AND LIVESTOCK GOT OUT. THERE HAS BEEN SOME THEFT. THEY OFTEN GET CONFUSED WITH SKIN WALKER RANCH. THEY HAVE EXPENSIVE EQUIPMENT THEY WANT KEPT SAFE AS WELL.

THEY SPOKE WITH MARY AT MOON LAKE TODAY AND ARE WILLING TO DO A RIGHT OF WAY FOR THEM. THEY ALSO THANKED THE COUNTY FOR FIXING THE WASHOUT EAST OF THIS REQUEST. THEY ASKED IF IT COULD BE APPROVED IN PIECES. THEY REALLY DON'T WANT ANYONE ON THE CENTER PIVOT. KEN ASAY, BIA, WAS CONCERNED WITH THE IRRIGATION DITCH. LILA INDICATED IT IS TO THE EAST AND WOULD NOT BE AFFECTED. THEY ARE ALSO WILLING TO WORK WITH HIM TO ENSURE THEY HAVE THE NECESSARY RIGHT OF WAY. MARY STEWART, MOON LAKE, INDICATED THE EASTERN BRANCH IS NOT A PROBLEM BUT THE LAST BRANCH TO THE NORTH IS WHERE THE ELECTRIC ENDS. JON STEARMER NOTED THE COMMISSION CAN APPROVE PORTIONS IF THEY SO CHOOSE.

COMMISSIONER MCKEE MOVED TO TABLE ORDINANCE #07-18-2016 O3 TO ALLOW TIME TO WORK OUT THE RIGHT OF WAY QUESTIONS. COMMISSIONER STRINGER SECONDED. MOTION PASSED UNANIMOUSLY.

ORDINANCE #07-18-2016 O4: JARED MCKEE ROAD VACATION – T1N, R1E, SECTION 25 & 26
THIS ROAD IS IN THE TRIDELL AREA AND GOES EAST. IT IS BARELY A ROAD. IT CROSSES JARED MCKEE'S PROPERTY AND ENDS IN RON MCKEE'S. THERE IS A GOOD ACCESS TO BOTH PROPERTY'S ALONG THE NORTH. THERE IS A SMALL SLIVER STILL OWNED BY RON MCKEE TO ACCESS HIS PROPERTY ALONG THE NORTH OF JARED MCKEE'S. RON MCKEE DID NOT RESPOND TO HIS NOTICE NOR DID UDOT. THERE WERE NO CONCERNS. COMMISSIONER RAYMOND WAS CONCERNED WE WOULD NEED SOMETHING FROM RON TO VACATE THE ROAD. HIS NOTICE WAS SENT CERTIFIED AND CHERYL HAS PROOF HE RECEIVED IT.

JARED MCKEE ADDRESSED THE MEETING. RON IS A COUSIN. THEY DID A LOT LINE ADJUSTMENT OF 33 FEET ON THE NORTH OF HIS PROPERTY TO PROVIDE RON ACCESS. HOWEVER, HE NORMALLY ACCESSES THAT PROPERTY FROM THE SOUTH OFF ANOTHER PARCEL. JARED USES THE ACCESS ON THE NORTH AS THE ACCESS TO HIS HOME. HE WOULD LIKE TO FENCE HIS PROPERTY BUT CAN'T CROSS THE COUNTY ROAD. THE ROAD INTO RON'S PROPERTY ISN'T PASSABLE AS IT HAS BEEN WASHED OUT. IT REALLY ISN'T A ROAD. RON SPOKE WITH JARED AFTER RECEIVING HIS MAIL AND TOLD JARED HE WANTED IT VACATED AS WELL.

COMMISSIONER RAYMOND ASKED IF A MOTION COULD BE MADE SUBJECT TO A LETTER FROM RON. JON STEARMER INDICATED IT IS PRACTICE RATHER THAN POLICY. THEY DO NOT HAVE TO BE COMPLETE AGREEMENTS REGARDING PRIVATE RIGHTS OF WAY. IT IS SIMPLY GOOD PRACTICE TO ENSURE ALL THE LOOSE ENDS ARE TIED UP. HE IS COMFORTABLE WITH APPROVAL AS WE HAVE NOT HEARD RON VOICE AN OPPOSITION. WE SIMPLY ENSURE WE DON'T TAKE ACCESS AWAY FROM ANYONE.

COMMISSIONER STRINGER MOVED TO APPROVE ORDINANCE #07-18-2016 O4 VACATING THE JARED MCKEE ROAD AS PRESENTED. COMMISSIONER RAYMOND SECONDED. MOTION PASSED, COMMISSIONER MCKEE RECUSED.

ORDINANCE #07-18-2016 O5: LEE MOON ROAD REALIGNMENT AND VACATION – T1N, R1E, SECTION 26
THIS ROAD IS IN THE SAME AREA BUT TO THE WEST AND SLIGHTLY SOUTH. THIS IS A REALIGNMENT AND A VACATION. HE MOVED HIS FENCE TO MAKE ROOM FOR A PIVOT. THE FENCE CUT OVER THE ROAD SO HE MADE A NEW ONE. WE NEED TO VACATE THE PORTION INSIDE THE FENCE AND REALIGN THE ROAD TO MATCH WHAT HE BUILT OUTSIDE THE FENCE. THE PICTURES ARE FROM LAST FALL. IT NEEDS SOME MAINTENANCE NOW AND HE HAS AGREED TO MEET WITH THE ROAD DEPARTMENT TO MAKE THE NECESSARY CHANGES. LEE MOON INDICATED HE WOULD BE HAPPY TO FIX THE DIPS AND WASHES AS NECESSARY, SMOOTHING OUT THE REALIGNMENT.

JARED MCKEE SPOKE IN FAVOR OF THE VACATION AND REALIGNMENT. HE USES THIS ROAD AS A SHORTCUT TO GET TO WORK. HE WOULD HAVE DONE THE SAME THING LEE HAS DONE IN MOVING THE FENCE FOR THE PIVOT AND MOVING THE ROAD. COMMISSIONER STRINGER ASKED IF BRYAN HAS REVIEWED THE ROAD. HE HAS AND THERE ARE NO MORE ISSUES THAN THERE WERE BEFORE.

JON STEARMER NOTED ALMOST ALL ROADS ARE PRESCRIPTIVE RIGHTS OF WAY. WE ARE REQUIRED BY PUBLIC USE TO DO A REALIGNMENT THAT IS LEGAL. IT IS NOT A LEGAL ACCESS UNLESS THE LANDOWNER DEEDS THE RIGHT OF WAY. LEE MOON ASKED IF HE COULD SIMPLY VACATE THE ROAD ALTOGETHER AS IT ONLY ACCESSES HIS PROPERTY. CHERYL MEIER ADDED THE COUNTY SURVEYOR HAS SOME LEGAL DESCRIPTION READY TO BE RECORDED. THE RIGHT OF WAY DEED WILL REMOVE THE PRESCRIPTIVE USE AND SHOW THE ROAD LEGALLY EXISTS. LEE MOON WAS CONCERNED WITH SIGNING A LEGAL DOCUMENT. HE DOESN'T WANT IT TO KEEP HIM FROM HAVING THE OPTION TO VACATE IN THE FUTURE. JON STEARMER INDICATED THE COUNTY RESERVES THE RIGHT TO VACATE A ROAD EVEN IF THERE IS A LEGAL RIGHT OF WAY. COMMISSIONER RAYMOND AGREED. EVEN WITH THE EASEMENT, HE COULD REQUEST A VACATION IN THE FUTURE. JON ALSO CLARIFIED IT DOES NOT DEED THE PROPERTY JUST A RIGHT OF WAY EASEMENT FOR THAT REALIGNMENT. JON ALSO INDICATED HE COULD ADD IN THE DOCUMENT THAT THE DOCUMENT WILL NOT PRECLUDE HIM FROM REQUESTING A VACATION IN THE FUTURE.

COMMISSIONER MCKEE MOVED TO APPROVE ORDINANCE #07-18-2016 05 FOR THE LEE MOON REALIGNMENT AND VACATION PENDING A RECORDING OF THE RIGHT OF WAY EASEMENT FOR THE REALIGNMENT PORTION. COMMISSIONER STRINGER SECONDED. MOTION PASSED UNANIMOUSLY.

CHERYL WILL GET THE INFORMATION FROM THE SURVEYOR TO JON AND HE'LL DO THE DOCUMENT AND GET IT TO CHERYL TO WORK WITH LEE.

RECESS FOR MUNICIPAL BUILDING AUTHORITY

COMMISSIONER MCKEE MADE THE MOTION TO RECESS FOR THE MUNICIPAL BUILDING AUTHORITY AND THEN TO RECONVENE BACK IN TO COMMISSION MEETING WHEN MBA BUSINESS IS COMPLETED. COMMISSIONER STRINGER SECONDED. MOTION PASSED UNANIMOUSLY.

CONSIDERATION OF AGREEMENT WITH T-MOBILE TO LEASE PROPERTY AT WESTERN PARK

THIS WAS APPROVED LAST WEEK BUT ALSO NEEDS MUNICIPAL BUILDING AUTHORITY APPROVAL. THE LEASE IS \$700 PER MONTH. LAST WEEK THERE WAS DISCUSSION THAT THE FEE WAS TOO MUCH. THE ASSESSOR'S OFFICE WENT TO GREAT LENGTHS WITH A LOT OF RESEARCH TO DETERMINE HOW THIS WAS CALCULATED. BROADCASTING AND LOCATION WILL VARY THE LEASE PRICE. MORE INFORMATION IS AVAILABLE IN THE JULY 11, 2016 MINUTES.

COMMISSIONER STRINGER MOVED TO APPROVE THE T-MOBILE LEASE AGREEMENT AS PRESENTED. COMMISSIONER MCKEE SECONDED. MOTION PASSED UNANIMOUSLY.

ADJOURN MBA AND RECONVENE COMMISSION MEETING

DISCUSSION OF DISPOSITION OF UNCLAIMED, LOST, OR MISLAID PROPERTY

MARIEL DAVIS FROM THE SHERIFF'S OFFICE ADDRESSED THE MEETING. THE SHERIFF'S OFFICE COLLECTS A LOT OF UNCLAIMED AND MISLAID PROPERTY. THEY FOLLOW THE GUIDELINES FROM THE STATE AND THE LAST PORTION IS DETERMINED BY THE LEGISLATIVE BODY. THEY WILL HAVE A BIKE SALE THIS SATURDAY. THOSE THAT TURNED THEM IN GET FIRST DIBS AFTER ALL NOTICES GO OUT. IF THEY DECLINE, THE BIKES ARE SOLD AT AUCTION. IT IS NOT A GREAT DEAL OF PROCEEDS BUT THE LEGISLATIVE BODY MUST PROVIDE DIRECTION AS TO WHAT TO DO WITH THE FUNDS. THEY WOULD LIKE TO USE THEM TO SET UP A BIKE REGISTRATION PROGRAM. ANY EXTRA THEY WOULD LIKE TO PUT TOWARDS THE ANNUAL AWARDS BANQUET. THE COUNTY DOES NOT FUND THE AWARDS BANQUET. THE SECOND ITEM SHE WANTED TO DISCUSS WAS A GENERATOR INVOLVED IN A CASE. THEY HAVE PUT EXTENSIVE TIME INTO LOCATING THE OWNER. THE OFFICERS USE THEIR OWN GENERATORS FOR FIREARMS TRAINING TO FLIP THE TARGETS. THEY WOULD LIKE TO PUT THAT GENERATOR TO USE IN TRAINING. SHE WOULD ALSO LIKE TO USE THE FUNDS FROM FIREARM SALES TO PURCHASE SIGHT SYSTEMS FOR THE DEPUTIES RIFLES. IT WOULD MAKE THEM USABLE IN THE DARK AND IS \$450 FOR EACH SYSTEM.

COMMISSIONER MCKEE NOTED THESE PARTICULAR ITEMS ARE LAW ENFORCEMENT RELATED BUT ACROSS THE COUNTY THIS CAN BE A BROAD TOPIC. COMMISSIONER RAYMOND NOTED ALL

PROCEEDS COME INTO THE GENERAL BUDGET. WE MUST BE CAREFUL WHEN WE RECEIVE REVENUE. BUDGET REQUESTS TYPICALLY ADDRESS ALL INCOME AND SPENDING NEEDS.

JON STEARMER NOTED THE LOST OR MISLAID PROPERTY ACT, 77.24A GOES THROUGH THE PROVISIONS AND WHAT THE SHERIFF'S OFFICE HAS TO DO BEFORE ITEMS ARE SOLD. IT CAN BE USED BY THE GOVERNMENTAL AGENCY IF IN THE PUBLIC INTEREST. THE ITEM CAN BE GIVEN TO THE ONE WHO FOUND IT IF THEY OWNER CANNOT BE FOUND. 77.24A.5.3 ADDRESSES SELLING THE PROPERTY. THE AGENCY SHALL APPLY THE PROCEEDS TO PUBLIC INTEREST USE. IF THE SHERIFF'S OFFICE DECIDES TO SELL THE ITEM OR ITEMS, THEY MUST RECEIVE DIRECTION FROM THE LEGISLATIVE BODY AS TO WHAT TO DO WITH THE FUNDS. MARIEL ADDED THE FIREARMS MUST GO THROUGH A DEALER WHO CAN RESALE THEM. THE SHERIFF'S OFFICE CANNOT JUST AUCTION THEM. THE KEY QUESTION IS WHAT SHOULD BE DONE WITH THE FUNDS. THE BIKE AND FIREARMS ARE CONSTANT AND THEY WOULD LIKE GENERAL AUTHORIZATION TO USE THOSE FUNDS RATHER THAN COMING BEFORE THE LEGISLATIVE BODY EACH TIME. THE GENERATOR IS A DIFFERENT ISSUE AS IT IS A ONE TIME DEAL. THIS IS UP FOR DISCUSSION TODAY NOT ACTION.

COMMISSIONER MCKEE NOTED THE CLERK AUDITOR COLLECTS ALL FUNDS AND THEY ARE DISPERSED AS PER THE BUDGET. MARIEL NOTED THE BIKE SALE IS ON SATURDAY BUT THEY CAN HOLD THE FUNDS UNTIL THEY RECEIVE DIRECTION. THE FIREARMS ARE STILL PENDING THE COURT SYSTEM. JON STEARMER NOTED THE AGENCY CAN OBTAIN APPROVAL TO USE THE GENERATOR AS A QUICK RESOLUTION ON THE NEXT AGENDA. THE OTHER ITEMS REQUIRE ADDITIONAL DISCUSSION AND AN ORDINANCE CAN BE PUT IN PLACE. COMMISSIONER RAYMOND ADDED THERE IS A BUDGET MEETING TOMORROW WITH ELECTED OFFICIALS AND THE COMMISSIONERS WILL ASK FOR THEIR INPUT ON THIS MATTER. MARIEL INDICATED THAT WOULD NOT BE A PROBLEM. SHE ALSO NOTED VERNAL CITY HAS A BIKE SELL AS WELL AND USES THE FUNDS FOR THE NOVA PROGRAM.

COMMISSIONER STRINGER ASKED ABOUT BUYING THE FIREARMS. A RETAILER, SUCH AS JIFFY PAWN, DOES NOT GIVE THE SHERIFF'S OFFICE CASH. THEY PROVIDE A CREDIT. THE SHERIFF'S OFFICE RECEIVES AT LEAST THREE BIDS. IT IS A TRADE NOT A CASH TRANSACTION. MICHAEL WILKINS ASKED WHO GETS THE CREDIT ON THE GUNS. THIS NEEDS TO BE DISCUSSED. ONCE UNCLAIMED OR LOST PROPERTY IS SOLD THE FUNDS ARE PUBLIC FUNDS AND NEED TO BE BUDGETED AND ACCOUNTED FOR ACCORDINGLY. PUBLIC FUNDS NEED TO BE BUDGETED IN ORDER TO BE SPENT. JON STEARMER ADDED THERE IS A DISTINCTION IN THE CODE REGARDING USE BY A GOVERNMENTAL ENTITY NOT BY THE GOVERNMENTAL ENTITY. THE LEGISLATIVE BODY NEEDS TO DETERMINE WHICH AGENCY IN THE COUNTY GETS THE FUNDS. IT DOESN'T SAY IT ALL HAS TO GO TO THE GENERAL FUND. HE ASKED THE COMMISSIONERS TO TURN THIS INTO AN ADMINISTRATIVE ITEM TO ALLOW REVIEW AND CREATION OF AN ORDINANCE OR SOMETHING TO BE REVIEWED AND APPROVE DIN A PUBLIC MEETING. NEXT WEEK THERE WILL NOT BE A MEETING AS IT IS THE 24TH OF JULY HOLIDAY.

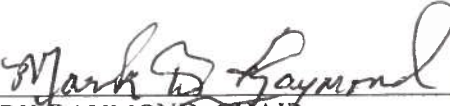
COMMISSIONER STRINGER MOVED TO MAKE THIS ADMINISTRATIVE TO DISCUSS IN THE BUDGET MEETING TOMORROW. ANY FINAL DECISIONS WILL COME THROUGH A PUBLIC MEETING. COMMISSIONER MCKEE SECONDED. MOTION PASSED UNANIMOUSLY.

BOARD APPOINTMENTS: NONE

PUBLIC INPUT:

COMMISSIONER STRINGER REGRETS WE RAN SO LONG AND HE CAN'T SHARE ALL THE INFORMATION HE WOULD LIKE TO ABOUT ALL THE GOOD THINGS GOING ON IN THE COMMUNITY RIGHT NOW.

ADJOURN: MEETING ADJOURNED AT 1:00 PM


MARK RAYMOND, CHAIR




MICHAEL W. WILKINS, CLERK-AUDITOR