

Six-Seven County Infrastructure Coalition Meeting
Dec. 3, 2014
Carbon County Event Center
Price, Utah

Final Minutes

Voting Board Members present: Bruce Adams, Mike McKee, Jerry Steglich, Jae Potter, Jeff Horrocks, Ron Winterton

Also present: Eric Johnson, Tami Ursenbach, Tammie Lucero, Lynn Jackson, Seth Oveson, Irene Hanson, Brian Raymond, Charlie DeLorme

1) Welcome – Bruce Adams

Bruce Adams recognized Jeff Horrocks from Emery County and Jerry Steglich from Daggett County for the work they have accomplished while serving on the coalition board. This will be there last meeting.

Chairman Adams thanked everyone for their attendance at this meeting. He turned the time over to Eric Johnson for the next two agenda items.

2) Approval of Minutes of November 3, 2014 meeting – Eric Johnson

Jeff Horrocks made a motion to approve the minutes from Nov. 3, 2014, Ron Winterton seconded. Motion carried.

3) Consideration of 2015 Annual Meeting Schedule and Notice-Eric Johnson

Eric Johnson presented the 2015 meeting schedule. The meetings are scheduled for the first Friday of every month except for January and July which will be held on the second Friday of those months. Jae Potter made a motion to accept the meeting schedule as noted, Jerry Steglich seconded. Motion carried.

Tammie Lucero from Uintah County thanked everyone for the vote of support as Clerk at the last meeting but it became evident to her that it will demand more time than she has available. She appreciates the support received but declines the position.

4) Public Hearing on 2014 and 2015 Budget-Seth Oveson

The budget was reviewed by Treasurer Seth Oveson. Before any funds can be spent a budget has to be adopted. He presented the budget for 2014 which will carry through to the end of the year. The 2015 budget includes the hiring of permanent employees, benefits, travel, office supplies, professional and technical, education and training, insurance, and equipment.

The amounts are all estimates because the organization is new and changes will be amended as needed for future projects. Coverage for errors and omissions is incomplete. It was asked if the meals for the meetings could be built into the budget. So far Carbon County has been providing the meals. A line item under board expenditures for \$3,000 was added to the budget.

Jerry Steglich made the motion to move into the public hearing at 10:18 a.m. It was seconded by Jeff Horrocks seconded. Motion carried.

Rick Shaw from the Sun Advocate (Carbon County newspaper) asked for the total amount of the budget. Seth said that for 2015 the budget is \$1,693,500 which includes the change of \$3,000 for board expenditures. The 2014 budget was \$224,000.

Seeing no other comments Jeff Horrocks made the motion to close the public hearing at 10:20 a.m. Jae Potter seconded. Motion carried.

5) Review and Approval of 2014 and 2015 Budget-Seth Oveson

Ron Winterton made the motion to accept the budget for 2014 and 2015. It was seconded by Jerry Steglich. Motion carried.

6) Treasurer's Report-Seth Oveson

Seth reported that there is a total of \$43,881.79 in invoices currently due that were received through December. These need approval for payment by the board and signatures by the co-chairs. Going forward there will be financial statements issued.

Jae Potter made a motion to issue payment for the invoices due, Ron Winterton seconded. Motion carried.

7) Consideration of Amendments to Creating Agreement and Addition of Grand County as a Seventh member County-Lynn Jackson

Lynn Jackson had asked at the last meeting if some modification in the agreement wording would be considered. As Grand County considered joining the coalition the issue came up from concerned residents about loss of sovereignty. This concerns multi county projects – if the majority of the coalition board voted in favor of the project then they could override the wishes of the individual county. In Section 5.4-F on page 9 of the agreement, the language was changed to clarify this. The new wording includes: that in order for a multi county project to proceed, there must be a supplemental contract signed by each of the counties involved. In further explanation, if one of the counties refuses to sign the supplemental contract then the project would have to be completed another way.

Eric explained that the agreement has always said there must be a supplemental contract for each project. To clarify, the agreement says each county in which the project occurs, would have to be a signatory to that supplemental contract in order for the project to proceed. The project could go forward if there is a way to do a multicounty project and leave the non-signing county out.

This has been crafted so that Grand County would have some comfort in knowing that the coalition could not force a project through against the county's wishes. One other change was removing the word "simple" from "simple majority". Grand County has interpreted this to mean that if the coalition board met and there were a quorum of four then as few as three votes could prevail despite the fact that the definition states it takes four votes. In every case it says "projects must be approved by a majority of coalition".

Even with these changes, after presenting this to the Grand County council on Tuesday, they decided to postpone taking action until the new council is seated in January.

A question was asked - Do all multi county related projects have to come through the coalition first? As worded, the projects between coalition members should be brought to the coalition first. If the coalition does not want to be involved then the project can go ahead as agreed upon between the said counties without coalition involvement.

Jae asked that as projects move forward is there anything that says one county can postpone a decision and hold up a project.

This only affects coalition infrastructure projects and not every project. With the proposed amendments, if one of the county's is waffling and the project is not moving forward you would have to wait until they make up their mind. It was asked if this is a change to this agreement or was it this way when it was signed. You still have to have approval from the county where the project resides and a supplemental agreement under which it is currently written.

Mr. Johnson explained that there are limited circumstances under the law where one county can do something in another county. An example is a water project. You could go outside of your jurisdiction in order to secure water for your constituents. Another example is roads. Roads in your county are your responsibility once the county line is crossed they become the other county's responsibility. Even if this agreement isn't clear there are other aspects of Utah law that will control the particulars.

The discussion continued concerning county and state roads. It was explained that if two counties had a project and they wanted to bring it before the coalition to see if the coalition wanted to be involved with it, the coalition could use their resources to be involved and then all of the coalition counties would share in potential future income. If the coalition did not want to be involved, than only those counties involved would share in any potential future income.

Eric's understanding is, once the coalition has approved a project the other four or five counties are not compelled to participate in a project. But the reason they would want to participate is for sharing purposes. No individual county is compelled to join in on a supplemental contract but there is built in wording that they may want to. Bruce Adams said individual county projects would not be included.

Grand County will wait until after the first of the year to make a decision on whether to become a member of the coalition or not.

8) Consideration of Letter Supporting Daggett County on Bishop Bill-Jerry Steglich

Jerry Steglich from Daggett County is requesting for coalition support for the letter concerning the public lands initiative. It was agreed that the wording “all counties” should be changed to “several counties”.

Jae Potter made a motion to support the letter, Ron Winterton seconded. Motion carried.

9) Consideration of RFQs for Engineering Study-Bruce Adams

Bruce said there were three proposals received and a committee met and reviewed them. The committee consists of Ron, Jerry, Bruce, Tami Lucero and Tami Ursenbach. The proposals were very close and there was not a clear winner, all were very good. Each engineering firm will have time in this meeting to give a final pitch. After hearing these, the board will go into an executive session for discussion and a final decision will be made in the open meeting.

Each company was given individual time for a presentation while the other presenters left the immediate area.

They presented in the following order:

- 1) Sunrise Engineering
- 2) Parsons, Brinkerhoff
- 3) Jones and DeMille

Various questions were asked of all three entities.

Mike McKee made a motion to move into an executive session. Ron Winterton seconded. Motion carried.

Ron Winterton made a motion to leave the executive session and return to the regular meeting. Jeff Horrocks seconded. Motion carried.

This was a difficult decision. Jae Potter made a motion to accept the RFQ from Jones and DeMille and allow board staff to negotiate a contract. Ron Winterton seconded. Motion carried.

10) Consideration of Policies and Bylaws-Eric Johnson

All coalition members should have received a copy of the policies and bylaws and have had a chance to review them. There is one modification – Eric added provisions for electronic meetings so that if needed members could electronically call into a meeting. Eric asked if anyone had any other corrections or changes, there were none.

Mike McKee made a motion to approve and adopt the policies and bylaws of the coalition, Jeff Horrocks seconded. Motion carried.

11) Consideration of Public/Private Proposals-Mike McKee

This is just to remind everyone that the coalition has also advertised for proposals from anyone who is interested in doing work with the Six County Infrastructure Coalition for public/private ventures. This item is to acknowledge the receipt of several proposals. They are available and as the board reviews projects, these entities will be considered.

12) Consideration of hiring Executive Director and Staff-Mike McKee

This has not been published as a board act yet. Hiring is in the budget and ready to be advertised. Eric suggested that the executive director position be advertised nationwide so we get the best possible person.

13) Other Business-Bruce Adams

Concerning the rail line from the Basin to Castle Valley; twenty-seven different routes were examined. The cost of the rail is extremely expensive, more than initially contemplated. For now we need to look at different options for transporting goods. The transportation issue still needs to be addressed and a solution developed.

The 670 LLC Group called and asked if the coalition is still interested in them.

14) Closed Session, if needed, pursuant to § 52-4-204

See agenda item #9

15) Adjourn

Jerry Steglich made a motion to adjourn.

Bruce Adams, Co-Chair

Seth Oveson, Treasurer

Mike McKee, Co-Chair