

**GARFIELD COUNTY COMMISSION MEETING
FEBRUARY 8, 2016 AT 10:00 A.M.**

Present: Commissioner Dell LeFevre, Commissioner Leland Pollock, Commissioner David Tebbs, Attorney Barry Huntington, Clerk Camille Moore. .

Commissioner Pollock called the meeting to order.

Commissioner David Tebbs made a MOTION to adopt the agenda with the addition of a discussion of a proposed housing project with Tropic Town and Bryce Canyon City. Seconded by Commissioner Dell LeFevre. Motion carried. Voting unanimous.

Commissioner David Tebbs made a MOTION to approve the minutes of the January 25, 2016. Seconded by Commissioner Dell LeFevre. Motion carried. Voting unanimous

LOW INCOME HOUSING

Shilo Syrett, Mayor, Bryce Canyon City and Jean Seiler, Bryce Canyon City were present to express their support of low income housing projects in the County. Commissioner Pollock explained a proposed process to pursue legislation that will allow towns or cities to apply for grant funding for low income housing projects.

PUBLIC WORKS BUSINESS

Emergency Road Resolution: Brian Bremner, County Engineer, presented Resolution 2016-1. After discussion, Commissioner Tebbs made a MOTION to adopt Resolution 2016-1. Seconded by Commissioner Dell LeFevre. Motion carried. Voting unanimous.

Resolution # 2016-1

Emergency Resolution

For

Roads on Federal Lands in Garfield County

WHEREAS, Garfield County, a political subdivision of the state of Utah, has general jurisdiction over the health, safety, welfare, custom, culture, and heritage of lands within Garfield County; and

WHEREAS, as described in *Federalist Paper #45* federal powers are few and defined; and

WHEREAS, state powers are numerous and indefinite; and

WHEREAS, Department of the Interior and Department of Agriculture managers in Garfield County do not have exclusive, concurrent, or partial jurisdiction; and

WHEREAS, Department of the Interior and Department of Agriculture managers in Garfield County are limited to proprietorial jurisdiction; and

WHEREAS, the Garfield County Sheriff has determined that all roads, paths, ways, and trails that were in existence prior to January 1, 2000 are the minimum necessary to protect health safety and welfare of the citizens and visitors of Garfield County; and

WHEREAS, many of the roads that were in existence on January 1, 2000 were also in existence prior to federal lands being reserved for other public uses; and

WHEREAS, many of the roads were in existence prior to enactment of any federal statute authorizing management responsibility for the Department of the Interior and Department of Agriculture; and

WHEREAS, many of these roads constitute RS 2477 rights-of-way under federal and state statute; and

WHEREAS, many of these roads constitute class B highways under UCA 72-3-103; and

WHEREAS, many of these roads may constitute class D roads under UCA 72-3-105; and

WHEREAS, until the late 1990s all highways, roads, paths, and ways not designated as a federal, state, city, or special highway, road, path, or way were under the direction of the County Executive in the county where they were located; and

WHEREAS, UCA 72-3-107 requires a County to determine all County roads which exist within its boundaries; and

WHEREAS, UCA 72-3-106 authorizes the County Attorney under the direction of the County legislative body to determine priority of public use on County Roads; and

WHEREAS, federal agencies are required under 23 CFR 460 to report road mileage under their jurisdiction; and

WHEREAS, federal agencies have not identified the majority of the roads in Garfield County under 23 CFR 460 as being under federal jurisdiction; and

WHEREAS, federal agencies have not expended federal funds constructing or maintaining many of the roads in Garfield County; and

WHEREAS, management authority over most of the roads in Garfield County has never been adjudicated by a court of competent jurisdiction; and

WHEREAS, all public highways, streets, or roads once established continue to be highways, streets or roads until they complete processes identified in UCA 72-5-105; and

WHEREAS, federal agencies have not complied with UCA 72-5-105; and

WHEREAS, UCA 72-7-102 prohibits excavations, structures or objects in rights of way, except in accordance with law; and

WHEREAS, Department of the Interior and Department of Agriculture actions are required to promote harmony between man and his environment; and

WHEREAS, Department of the Interior and Department of Agriculture actions have not promoted harmony between man and his environment; and

WHEREAS, federal agencies are required to coordinate their land management actions with state and local government; and

WHEREAS, federal agencies have not coordinated land management actions associated with highways and roads in Garfield County in accordance with required federal law; and

WHEREAS, federal, state and local law requires the protection of cultural resources; and

WHEREAS, roads, paths, ways, and trails constitute some of the first cultural resources established when an area is visited or settled by man; and

WHEREAS, many of the roads have other cultural features including but not limited to fire pits, campsites, benches, temporary dwelling spots, and artifacts associated with them; and

WHEREAS, the roads, paths, ways, trails, and their associated cultural features constitute a significant part of Garfield County's custom, culture, and heritage; and

WHEREAS, federal agencies have not performed detailed cultural resource surveys on the roads, paths, ways, trails, and associated cultural features for transportation facilities in Garfield County; and

WHEREAS, Garfield County desires a Class III cultural survey prior to closure or abandonment of any highway, road, path, way, or trail; and

WHEREAS, federal agencies may be required to perform such surveys as part of their normal work; and

WHEREAS, the cultural value of the resources is currently undetermined; and

WHEREAS, all of these issues are currently in a state of confusion:

Now, Therefore, Be it Resolved as follows:

1. The roads shown on the attached map, which are available at the County Clerk's and the County Recorder's office, constitute the minimum transportation network necessary to protect the health, safety, welfare, custom, culture, and heritage of lands and people in Garfield County.
2. The roads shown on the attached map are asserted to be Garfield County highways, roads, paths, ways and trails, until determined otherwise by a court of competent jurisdiction.
3. Individuals and agencies that violate laws associated with highways, roads, paths, ways, and trails will be prosecuted in accordance with established law.
4. Garfield calls upon federal, state and local entities to advise the County of any agency conflicts with the attached map. Conflicts should include: a) a detailed description of the route; b) evidence indicating the date of original construction; c) NEPA documentation and construction documents associated with construction and improvements, if available; d) detailed, Class III cultural resource survey of the route and associated resources; e) resource issues associated with the route; f) maintenance records; and g) other information that may clarify jurisdiction associated with the route.
5. Garfield calls on federal agencies to coordinate and cooperate with the County in managing the transportation network and to be consistent with County plans to the maximum extent allowed by federal law.
6. After consideration of information identified above and upon formal request, Garfield will consider abandonment procedures outlined in law.
7. A copy of this Resolution will be sent to the State Attorney General, PLPCO, BLM, National Park Service, US Forest Service, and SITLA.

ADOPTED AND APPROVED in regular session of the Garfield County Commission this 8th day of February, 2016

Leland F. Pollock
Commission Chair

H. Dell Lefevre
Commissioner

David B. Tebbs
Commissioner

Prairie Dog Habitat Purchase: Brian Bremner provided a draft letter of intent for prairie dog property acquisition. After discussion, Commissioner LeFevre made a MOTION to approve and send the letter. Seconded by Commissioner Tebbs. Motion carried. Voting unanimous.

Class D Roads: Lou Brown and Scott Bartlett, School and Institutional Trust Lands, made a presentation regarding Class D roads that cross SITLA land. The Class B roads have been changed to permanent easements. The Community Impact Board will accept application for funding of the easement transfer, approximately \$71,000.00 required funding. After discussion, Commissioner LeFevre made a MOTION to accept the proposal contingent on Brian's review. Seconded by Commissioner Tebbs. Motion carried. Voting unanimous.

AIRPORT MASTER PLAN

Greg Pollock presented the application for grant funds for the Airport Master Plan. After review, Commissioner Pollock signed the grant application.

AIRPORT CREDIT LIMIT

After discussion Commissioner LeFevre made a MOTION to limit an unpaid balance on rent at the airport to \$2,000.00. Seconded by Commissioner Tebbs. Motion carried. Voting unanimous.

AMBULANCE PURCHASE

The bid for the new ambulance is approximately \$10,000.00 over the budgeted amount. After discussion, the Commission gave Tammy Barton, Ambulance Director authorization to proceed with the purchase.

BASKETBALL SPONSORSHIP

After discussion, Commissioner LeFevre made a MOTION to approve sponsorship of the region and state basketball games with Utah High School Sportscasts in the amount of \$1,200.00. Seconded by Commissioner Pollock. Motion carried. Voting: LeFevre - Aye, Pollock - Aye, Tebbs - Abstained.

BUSINESS LICENSE APPLICATION

An application has been received from Butter Lane Bake Shop, Escalante. After review, Commissioner LeFevre made a MOTION to issue the business license. Seconded by Commissioner Tebbs. Motion carried. Voting unanimous.

ACCOUNTS PAYABLE

The accounts payable list was reviewed, approved and signed by the Commission.

The meeting was adjourned at 12:30 pm.

Commission Chair

Clerk/Auditor