

Emery County **Progress**

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Public Lands council discusses roads and rights

By COREY BLUEMEL
Staff Writer

Bruce Wilson chairman of the Emery County Public Lands Council opened the August meeting with a reminder of the mission statement of the council. That statement says: The mission of the Emery County Public Lands Council is to represent the public lands interests of Emery County and its citizens and to perform an advocacy role for local users and stakeholders; to work in partnership with federal and state agencies in fashioning management decisions and policies affecting lands within Emery County; and to participate in the development, coordination and implementation of the planning objectives of federal, state, and local entities to ensure harmony between the objectives of these various entities and the Emery County Master Plan.

The statement goes on: It is the intent and purpose of the Emery County Public Lands Council to aggressively preserve the community heritage of Emery County by vigorously participating in and influencing all public land planning and decision making processes on behalf of and under authority of the Emery County Commission.

Wilson stated, "We are here to settle and accomplish issues. We don't always agree, but we need to keep things positive and come up with solutions."

The subject of roads, their ownership and condition, continued to be a topic of discussion as a continuation of July's meeting. Sherrel Ward asked if the Title V situation over the roads is cut and dried. Commissioner Ira Hatch explained that while the county will continue to pursue RS-2477 on the seven roads listed in the lawsuit, and perhaps others, Title V will continue to be a tool the county will use to maintain the condition of the roads.

Ray Petersen, public lands director, stated that "Emery County is considering taking some Title V rights of way (ROW) for Class B roads at this time." All roads in the state are classified by the State of Utah. Class A are state highways, Class B roads are county roads that are maintained to a designated level and for which the state provides the county funding. Class C roads are city streets and Class D roads are roads which a county may claim, but does not maintain to a given standard and does not receive funding.

According to Petersen, "Should Emery County choose to utilize the Title V option, we would insist on language that makes it clear that by receiving the Title V ROW, we do not forfeit the RS-2477 ROW. In discussions with the Bureau of Land Management, we have insisted on three conditions, that we don't give up any RS-2477 rights, we determine the maintenance level of the road, and the ROW is in perpetuity (has no time limit). Thus far, BLM has been agreeable to these conditions. It's also important to note that these specific roads we're considering for Title V are not controversial roads. They are recognized as roads by all concerned parties and even appear on a Southern Utah Wilderness Alliance proposed transportation plan. Even though everyone agrees that they are indeed roads, Emery County has nothing on paper, no documentation, confirming the fact. A Title V ROW would accomplish that."

This explanation cleared up some confusion within the council. It was expressed that some members had the impression that the issue was a matter of "one of the other", that both options could not remain open.

"The RS-2477 lawsuit has been filed and is still active. The attorneys are waiting for a reply from the Department of the Interior. It has been six years in the process to get to this point with one year discussing the seven roads in the lawsuit. Emery County has spent more than \$100,000 on legal fees pursuing this matter and is no closer now than during the past six years. Without help from the Utah State Attorney General's Office, Emery County could not keep fighting for these roads," said Hatch.

Commissioner Gary Kofford explained, "the county has several roads at the present time that are Title V. They were taken for construction purposes. These same roads qualify for RS-2477 but we took Title V for upgrade work on them. We are not opening new issues, we are expanding on a decision made years ago. Title V claims are made on a road by road basis. Title V is a recognized right by the BLM."

Pam Juliano from Congressman Jim Matheson's office said, "Several other counties in Utah are doing the

same thing and it has been very successful. In Title V there can be a clause claiming RS-2477 rights.”

Petersen stated, “the Moore cut-off road is a Title V road, along with the Goblin Valley road, and parts of the Buckhorn Wash road. Title V is allowing us to do upgrades and repairs. Utah, and Emery County especially, are on point on this issue. Many of the surrounding states are watching us during this road process. Our commissioners are intent to work with the BLM and get resolutions.”

Gary Petty expressed his appreciation for the information that has been shared with the public lands council. “A lot of information and issues have been clarified today through these discussions. Many council members were concerned about giving up RS-2477 rights with Title V. We are grateful for clearing up the misinformation.”

In other business conducted by the public lands council, the decision was made to form a committee to work with the forest service concerning the beetle killed trees on the forest service lands. The committee will work to resolve the issues concerning the problems caused by the dead trees.

The council requested Petersen to write a letter in response concerning the environmental impact statement about the sheep grazing on the Wasatch Plateau. The decision was made by the council to support the preferred alternative in the plan which is to leave the grazing as is. The response must be done within 30 days.

Petersen gave an update of the restoration work being done at the Swinging Bridge. He said that the materials have arrived and will be staged off site. The installation work will be conducted in September and he encouraged members of the lands council to volunteer to help with the work.

In the mining, minerals, and coalbed methane portion of the business, Wilson stated that SUFCO will begin mining a new lease early in 2006. He encouraged members to be aware of any activity on the Muddy drainage and document that activity. He also reported that the Lila Canyon project is under final review and plans to begin in early 2006. Skyline Mine is also in the midst of their final review. The road work at the Rilda Canyon project is continuing, and Bear Canyon Mine has applied for 8,500 acres of new lease permits.

Petty added that Consol is buying the farming property that lies over the proposed longwall operation in that mine. The property is south and west of the mine office.

Petersen reported that SITLA is selling four parcels of land adjoining the Green River. The bulk of the property is in Grand County, with a small portion on the Emery County side of the river. Emery County is applying for the rights of way for search and rescue purposes, to allow access for emergencies.

The Emery County Public Lands Council meets once a month to discuss issues and reach solutions concerning public lands in Emery County. Their next meeting is Sept. 13 at 10 a.m. in the county building.

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Green River City update

By COREY BLUEMEL
Staff Writer

As Green River City Council met in their regular session in August, Joni Pace from the Green River Community Center awarded the volunteer of the month award to Mark and JoAnn Williams. The Williams' have recently moved to Green River from Arizona and became involved in community activities. They have given many hours of service, surveying and leveling the ground at the community center for a basketball court, helping with the Kid's Cafe, and serving and delivering meals.

The first two items on the agenda involved Sunrise Engineering. One was to approve or deny Sunrise to oversee the water project, for which a CIB grant has just been awarded, and the other was to approve or deny Sunrise to draw up a culinary water management and conservation plan for Green River.

The water project will involve the installation of a new high pressure water line on the west side of Green River, and the installation of a pressure relief valve. Along with this new high pressure line, 20 new fire hydrants and radio read meters will be installed. (Later in the evening, the councilmen would open the CIB discussion and approve to withdraw the addition of the radio read meters and proceed with more pressing water issues, such as a broken river crossing line, repairs to other lines, and repairs to sidewalks for ADA qualifications.)

In regard to the Sunrise Engineering projects, two councilmen, Dan Harrison and Kerry Bigelow, cast their votes against using Sunrise Engineering, while two other councilmen, Blaine Evans and Tom Burr, voted to accept the services of Sunrise Engineering. Mayor Dale Johnson was required to cast the tie breaking vote, and he voted to accept Sunrise to oversee these two projects.

Howard Tuttle, of Johansen and Tuttle Engineering, informed the councilmen about the recent bid opening to do reconstruction work on Pirate Avenue (400 North). He stated that both companies from which the bids were received are conscientious and reliable. The engineer's projection for the cost of the project was \$147,000. The bid from LeGrand Johnson's was \$146,000 and the bid from Nielson's Construction was \$158,000. The council approved to accept the bid from Johnson's. Oct. 31 is the projected finish date for the project.

Since the council meeting in July, at which the council approved to raise water rates in the city by 25 percent, the final budget has been analyzed and the water department is not in the red. The council approved to rescind the rate increase from July's meeting and restore the previous rates for water customers.

Mayor Johnson then expressed his desire to amend the curb, gutter, and sidewalk policy in Green River. The current ordinance reads: 10-12-22: Curb, gutter, and sidewalk policy: A. New development: The entire cost of the curb, gutter, and sidewalk shall be the responsibility of the developer and/or the owner of the property. This shall include all new development, whether it be in a new subdivision, an addition in an existing subdivision, or the development of a single lot that does not appear to be part of any apparent subdivision. The curb and gutter shall be completed prior to issuance of a certificate of occupancy. Also, all grades for curb and gutter shall comply with the current master plan for drainage, and shall be surveyed by the city by a surveyor or engineer of the city's choosing, at the city's expense.

B. Existing structures within city limits: The city shall provide curb and gutter at the city's expense. This shall be done on a first come first served basis, except in cases as it deemed necessary by the council that a more urgent need for the control of drainage is needed elsewhere. It is the desire of the city that sidewalk be constructed at the time the curb and gutter is constructed, and shall be required by the property owner. The city may secure bids for the cost of the sidewalk or the owner may secure his own bids. Either way, the property owner is responsible for all costs associated with the sidewalk. If the property owner chooses to allow the city to do the sidewalk, the cost shall be agreed to, in writing, prior to construction. (Res. 5-09-2000, 5-9-2000)

The proposed changes are: 10-12-22: Curb, gutter, and sidewalk policy: A. New development: The entire cost of the curb, gutter, and sidewalk shall be the responsibility of the developer and/or the owner of the property. This shall include all new development whether it be in a new subdivision or an existing subdivision. The curb and gutter shall be completed prior to issuance of a certificate of occupancy. Also all grades for curb and gutter shall comply with the current master plan for drainage, and shall be surveyed by the city, by a surveyor, or engineer of the city's choosing, at the city's expense.

B: Existing city streets: The city will provide curb and gutter on all city streets that are in place and are designated as such on the date this amendment was passed by the city council. The construction of curb and gutter will be scheduled by the city council upon the availability of funds and where the needs are greatest. It is the desire of the city that sidewalks be constructed at the time curb and gutter is constructed, but will be the responsibility of the property owner.

No ordinance can be approved without first holding a public hearing and gathering public input. The council was instructed to study the proposed amendments and a public hearing will be scheduled. No action was taken and the measure was tabled.

Two resolutions were approved during the meeting. The first was #04-2005, appointing an ordinance enforcement officer. Mayor Johnson said that many in Green River are in violation of city ordinances. The city council and city employees have strived to bring the property owners into compliance with no success. In dialogue with other cities and the county, Mayor Johnson stated that if an enforcement officer is appointed, that officer could issue citations to alleviate this problem. Roy Pfanders, who is currently the animal control officer in Green River, was appointed and sworn in, to be the enforcement officer.

As a part of the enforcement officer's duties, he will take direction from the mayor. As the process to bring a resident into compliance with city ordinances is followed, the last step in the process will be to issue a citation, and Pfanders will be instructed by the mayor when that becomes necessary.

Resolution #05-2005 was also approved. This ordinance authorizes the Emery County attorney to represent the city of Green River in any actions taken in county court. This resolution is contingent on approval by the Emery County commissioners.

In other action by the Green River City Council, a water and sewer rate change was approved. The request was from the Green River post master for a change from a commercial rate to a residential rate. The council also approved to sell the roto mill material to resident for \$1 a yard, with the revenue to be added to the road department budget. As a final act, the council approved to become a platinum sponsor of the Castle Country Economic Summit to be held in Castle Dale on Oct. 6-7.

The next Green River City Council meeting will be held Sept. 13 at 6 p.m. in the Green River City Hall.

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Emery County Economic council plans for summit

By PATSY STODDARD
Editor

The Emery County Economic Development Council is formulating plans for the second annual Castle Valley Economic Summit. The summit will be held this year on Oct. 6 and 7. The summit will be held in conjunction with the Carbon County Economic Development Council with both groups working towards the success of the summit. The councils encourage business owners and employees to attend the summit for the latest in economic development information.

The evening of Oct. 6 attendees will meet at the Museum of the San Rafael and travel to the Castle Valley Ranch for a tour and a dutch oven dinner and cowboy poetry. On Oct. 7 the registration and breakfast will be held at the Museum of the San Rafael. The breakfast keynote speaker will be former lieutenant governor Gayle McKeachnie. McKeachnie serves as the governor's liaison to rural Utah.

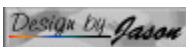
The morning will include two breakout sessions held at the county building. Topics for the breakout sessions include: focus on tourism, agriculture, entrepreneurial opportunities and capturing the money.

The lunch keynote speaker will be Rhett Roberts who is the CEO of Redmond's family of businesses. Redmond has been recognized with many awards including business of the year and one of the top 10 friendly businesses to work for in Utah.

The popular local session will return in the afternoon. Local businesses will tell their stories of success and share the story of their business and how it started etc.

The economic development council urges those interested to plan for the "What's Swell in Castle Country," summit and work it into their schedules. The theme for the summit is, "Cultivating the seeds of entrepreneurship." The summit is an important event in the community to share ideas with fellow entrepreneurs and learn some new tools for success in business. To register for the summit call the economic development office at 381-5576.

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