

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

SEPTEMBER 24, 2013

Present at the meeting was Commission Chairman Jeff Horrocks, Commissioner JR Nelson, Commissioner Ethan Migliori, Attorney David Blackwell, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

CONSENT AGENDA

(1)

APPROVAL OF CHECK EDIT LIST, REQUISITIONS AND DISPOSITIONS.

The Warrant Check Edit List # 226962 through and including # 227106 was presented for payment.

Requisitions were presented for the following:

<u>REQUISITIONS</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
70-13	Compressor, leak test evacuate And start-up system- Courthouse	\$11,777.50
71-13	Hopper- self dumping Highway	2,434.48
72-13	(2) 10,000 gal plastic storage tanks Highway	18,547.00
73-13	Back-up appliance/30 w remote power IT/Capital	13,279.95
74-13	Mammoth Mural Clifford Oviatt	7,500.00

There were no dispositions.

(2)

APPROVAL OF BUSINESS LICENSE FOR MUDDY LANE SHOOTERS, LLC.

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(3)

APPROVAL OF OUT OF STATE TRAVEL TO WASHINGTON D.C. FOR CAPTAIN KYLE EKKER FOR MEETINGS ON HOMELAND SECURITY AND EMERGENCY MANAGEMENT.

(4)

APPROVAL OF OUT OF STATE TRAVEL TO MINNEAPOLIS, MN FOR JIM GORDON TO ATTEND EMS LEADERSHIP ACADEMY.

(5)

APPROVAL OF PERSONNEL ITEMS AS FOLLOWS:

A. Approval to hire Bunny Shelton as a part time janitor for the Castel Dale Library, Grade 6, with no benefits.

B. Notification of hiring of Abby Jensen as a 90 day temporary working with Economic Development

C. Approval of 3% wage increase for Chyanne Carter for successful completion of 6 month orientation period.

D. Approval to give employees (with benefits) who participate in the Wellness Clinic an additional 4 hours of paid vacation.

(6)

APPROVAL OF COMMISSION MEETING MINUTES DATED SEPTEMBER 10, 2013.

Motion to approve the Consent Agenda was made by Commissioner JR Nelson, seconded by Commissioner Ethan Migliori and the motion passed.

DISCUSSION AGENDA

(1)

ITEMS PULLED FROM CONSENT AGENDA

Nothing

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(2)

MARK H. WILLIAMS, DISCUSSION OF FLOODING OF THE COTTONWOOD CREEK
SOUTHEAST CASTLE DALE.

Mr. Williams indicated that he approached the Board of Commissioners in 2011 regarding flooding in the south east part of Castle Dale. At that time he indicated that the river bottom needed to be dredged due to silt build up in the channel of the Cottonwood Creek. He expressed concern then and now that the Flood Tax has been eliminated that would help defray the cost of clean-up due to flooding along the river bottom. Several homeowners have had flooding from this channel due to the recent heavy rain in the county. He suggested re-enacting the Flood Tax to provide funds for clean-up of the river bottom. The channel is not being used for irrigation, it is currently used as run-off for Cottonwood Creek.

The Board of Commissioners agreed that something should be done. When you are dealing with channels, river bottoms and creeks, you are dealing with Army Corp of Engineers. Commissioner Horrocks indicated that the county will look into what could be done to help.

(3)

DISCUSSION AND APPROVAL OF EMERY COUNTY COURTHOUSE EMERGENCY
ACTION PROGRAM.

The Board of Commissioners discussed the Emery County Courthouse Emergency Action Program. The coordinator of the program is Jeff Guymon with Mick Robinson as alternate coordinator. Commissioner Horrocks commended Mary Huntington for her work on the plan. Commissioner Ethan Migliori made a motion to approve of Emery County Courthouse Emergency Action Program. The motion was seconded by Commissioner JR Nelson. The motion passed.

(4)

DISCUSSION AND APPROVAL OF AMENDED PERSONNEL POLICY SECTION 16
“EMPLOYEE STATUS”.

Due to Obama Care under the Affordable Care Act there needed to be changes made in the Personnel Policy to address the issue of “employee status” and the way they receive benefits. Personnel Director, Mary Huntington proposed an amendment to the Emery County Personnel Policy, Section 16 “Employee Status” identifying the status of full-time, part-time and seasonal employees. Commissioner Ethan Migliori made a motion to approve Resolution 9-24-13 amending the Personnel Policy of Emery County, Section 16 “Employee Status” as presented.

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The motion was seconded by Commissioner JR Nelson. The motion passed.

(5)

APPROVAL TO PROVIDE FLU, PNEUMONIA, AND TETANUS VACCINES IN CONJUNCTION WITH EMERY COUNTY WELLNESS CLINIC. APPROVAL TO UTILIZE EMERY MEDICAL CENTER AS THE PROVIDER AND AUTHORIZATION FOR THE COUNTY TO PAY FOR THE VACCINES.

Commissioner JR Nelson made a motion to approve utilizing Emery Medical Center as the provider and authorize the County to pay for the vaccines. The motion was seconded by Commissioner Ethan Migliori. The motion passed. The Wellness Clinic will be held on November 6 and 7.

(6)

CONSIDERATION AND APPROVAL OF BOARD OF EQUALIZATION CLOSURE.

Commissioner JR Nelson made a motion to close Board of Equalization for 2013. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(7)

CONSIDERATION AND APPROVAL OF BOARD OF EQUALIZATION CHANGES.

Assessor, Kris Bell reviewed the list of Board of Equalization changes with the Board of Commissioners. She indicated that two changes may have to be considered at a later date. Dennis Tuttle requested a field visit of his cabin in Joe's Valley. However, due to a family emergency they are still waiting to get with Mr. Tuttle. She indicated that she may be back for an adjustment later. Howard Van Wagoner, Elmo is waiting for a decision from the city regarding the building status, therefore she may be back for an adjustment later. Commissioner JR Nelson made a motion to approve the Board of Equalization changes as listed. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(8)

CONSIDERATION AND APPROVAL OF VETERAN, BLIND AND CIRCUIT BREAKER PROPERTY TAX ABATEMENTS.

Clerk/Auditor Brenda Tuttle explained that the applicants have requirements have to be met to qualify for an abatement. The first application made by a veteran who served in the military service of the United States of America or of this state or by the unremarried surviving spouse or

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minor orphan of that veteran shall be accompanied by a statement, issued by the military entity, showing at least a 10% disability incurred or aggravated in the line of duty during any war, international conflict, or military training in the military service of the United States of America or this state.

A Blind application must be accompanied by a statement signed by a license ophthalmologist verifying that the person has no more than 20/200 visual acuity in the better eye when corrected or has, in the case of the better that 20/200 central vision, a restriction of the field of vision in the better eye which subtends an angle of vision no greater than 20 degrees.

The homeowner's tax credit application,(also known as a circuit breaker), is for the homeowner who is 65 or older on or before December 31, 2013 , or under 65 and disabled, or under 65 and it would be an extreme hardship to pay the tax. The applicant must have owned the home on January 1, 2013 to qualify and lived in the home for ten months during 2013. The abatement is based on income received by all persons living in the home during 2012. The applicant must be listed as the property owner of record and must be their primary residence.

The applications are sent out to those applicants who have qualified in previous years or have requested an application, on or about April 1 and are due in the Clerk/Auditor's office by September 1. Great effort is taken to ensure that all those who qualify for these programs are contacted. The circuit breaker program is reimbursed to the county by the state. The veteran and blind abatements are Commission adjustments and are not reimbursed by the state.

Commissioner JR Nelson made a motion to approve the Veteran, Blind and Circuit Breaker property tax abatements for 2013. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(9)

CONSIDERATION AND APPROVAL OF LOW INCOME PROPERTY TAX ABATEMENTS FOR MARY BENTLEY, RYAN COWLEY, VERNE HINTON AND ARLYNDA HUNT-ZAMORA.

Clerk/Auditor Brenda Tuttle explained that the low income property tax abatement is for homeowners under 65, disabled or under extreme hardship. Applications are considered by the Board of Commissioners on a case by case basis. The maximum that may be abated is 50% of the tax owing. The following applications were considered:

Mary Bentley, taxes owing: \$1,134.32. Mrs. Bentley's husband passed away in April significantly cutting down her monthly income. Based on the income she will currently have she will qualify next year under the circuit breaker program for the elderly with low income. Abatement would be \$567.16 approved. Commissioner Ethan Migliori made a motion to approve a 50% abatement for Mary Bentley. The motion was seconded by Commissioner JR

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Nelson. The motion passed.

Ryan Cowley, taxes owing: \$686.53. Mr. Cowley has been approved in years passed. Abatement would be \$343.27 if approved. Commissioner JR Nelson made a motion to approve a 50% abatement for Ryan Cowley. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

Verne Hinton, taxes owing: \$505.94. There has been some concern in the past with the number of members in the household and the income provided. Mr. Hinton did not apply for the abatement last year but has in prior years. Abatement would be \$252.97 if approved. After some discussion, Commissioner Ethan Migliori made a motion to deny Mr. Hinton's request for abatement of taxes owing. The motion was seconded by Commissioner JR Nelson. The motion passed.

Arlynda Hunt-Duncan Zamora, taxes owing: \$523.43. This is the first year this applicant has applied. Abatement would be \$261.72 if approved. After review of her accompanying documents Commissioner JR Nelson made a motion to approve a 50% abatement for Arlynda Hunt-Duncan Zamora. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(10)

SETTING OF BUDGET WORK MEETINGS.

Budget meetings were proposed as follow:

September 24, 2013 immediately following Commission Meeting.

September 30, 2013 9:00 am until 10:00 am.

October 3, 2013 10:30 am until 2:00 pm

October 8, 2013 10:30 am until 3:00 pm

October 9, 2013 9:00 am until 12 noon

October 15, 2013 9:00 am until 12 noon

October 17, 2013 2:00 pm until 3:30 pm

Commissioner JR Nelson made a motion to set budget hearing dates as scheduled. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

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(11)

CONSIDERATION AND APPROVAL OF MEMORANDUM OF UNDERSTANDING BETWEEN EMERY COUNTY AND UTAH DIVISION OF STATE HISTORY FOR LONG TERM LOAN OF THE BAILY BASKET.

Commissioner Horrocks explained that the Bailey Basket was found in Emery County by John Bailey. Without a curator for the Museum the basket was sent to the Utah Division of State History. The Museum of the San Rafael has asked to have the basket on loan to Emery County for 1 year. Commissioner Ethan Migliori made a motion to approve of a Memorandum of Understanding between Emery County and Utah Division of State History for long term loan of the Baily Basket. The motion was seconded by Commissioner JR Nelson. The motion passed.

(12)

CONSIDERATION AND APPROVAL OF OBLIGATING TITLE III SECURE RURAL SCHOOL FUNDS TO REIMBURSE EMERY COUNTY FOR SEARCH AND RESCUE AND OTHER EMERGENCY SERVICES PERFORMED ON NATIONAL FOREST.

Title III Secure Rural School Funds may be used to reimburse for search and rescue and other emergency services performed on national forest property. The Board of Commissioners recommend obligating that portion of Title III Secure Rural School Funds for reimbursement to Emery County for these purposes. Commissioner JR Nelson made a motion to approve the obligation of Title III Secure Rural School Funds to reimburse Emery County for Search and Rescue and other emergency services performed on national forest as discussed. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(13)

CONSIDERATION AND APPROVAL OF FY 2013 BEER TAX ANNUAL REPORT FOR EMERY COUNTY.

The FY 2013 Beer Tax Annual Report for Emery County is sent by the state what the county did with the money that was allocated for alcohol related training in the schools and communities. Commissioner JR Nelson made a motion to approve of FY 2013 Beer Tax Annual Report for Emery County. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

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(14)

DISCUSSION AND CONSIDERATION OF APPROVAL OF AMBULANCE WRITE-OFF/REDUCTION REQUESTS FOR JOHN R. TURNER AND KENNETH W. TRAUM.

Requests for ambulance write-offs were considered as follow:

John R. Turner: After some investigation into his situation and review of his application request, Commissioner JR Nelson made a motion to deny Mr. Turner's request and set him up with a payment plan. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

Kenneth W. Traum: After review of the application request Commissioner JR Nelson made a motion to deny the request for ambulance write-off for Kenneth W. Traum and set his wife up with a payment plan. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(15)

COMMISSION/ELECTED OFFICIALS REPORTS.

Commissioner Horrocks turned some time over to Chad Booth, from the broadcast program County Seat. Mr. Booth provided a review of the programs that have been aired and the benefit it is to rural government. He provided a second quarter summary of season 3. He asked the Commissioners for suggestions for subject matter for possible programs. He thanked the Commissioners for their continued support of the broadcast.

Commissioner Migliori

Commissioner Migliori reported on contacts during his recent trip to Washington, D.C. He reported that the figures are starting to come in on the 2013 Desertview Pro Rodeo. The figures show that they were \$1,500.00 over budget which the Recreation Board felt good about along with other good changes compared to previous years. The Emery County Business Chamber held a Lunch and Learn on the 18th where they met at Castle Café and heard from owner/operator of Energy Recycling in Huntington. They walked across the street for a tour of the facility which turns old used tires into usable fuel.

Commissioner Nelson

Commissioner Nelson commented that there are a lot of good people, both volunteers and working for and in Emery County who do very good things for our county. He reported on attending several meetings such as DOGM and Cooperative Weed Management. On September 12th two Utah State University professors along with several graduate students came to the County to study the San Rafael River Basin. They were interested in how the water is used and

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its importance to our area. The recent County Employee Luncheon was well attended. He recently met with the U.S. Forest Service and County Road Department to discuss an open gravel pit in Joe's Valley. They will be attending UAC Convention in Midway.

Commissioner Horrocks

Commissioner Horrocks reported on efforts of Big Game RAC board with regards to fishing regulations and lion hunting. He attended an Energy Summit in Uinta County. They had groups from Anadarko, Bill Barrett Corporation and the Governor's Office as well as representatives from Utah Senators and Congressmen. The big discussion centered around efficiency in improvements in the way minerals are extracted specifically oil and gas from the Uinta County area and the attempt to make sure the air quality is not damaged any further than it already is from the extraction process. There was a big conversation regarding oil shale and the process used in Astoria. The company from Astoria had a presentation. They are very interested in the oil shale available in that part of Utah, Wyoming and Colorado. They stated that the recoverable amount of oil shale in that area exceeds the amount of oil in Saudi Arabia. That is being heavily contested by environmental groups. He reported on Melon Days. The Back Country Fly-in will begin Friday afternoon. Leon Defriez has planned some activities for Saturday. There will be an antique car show there at 1:00pm. The Huntington Airport has undergone some improvements lately and is becoming a great recreational airport advantage to the area. Steve Barton reminded the public of the Bike Festival on the Wedge, Friday, September 27th beginning at 6:00 pm running through Saturday and ending on Sunday.

(16)

ADJOURNMENT

The meeting was adjourned.

ATTEST: _____ COMMISSIONER: _____

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