

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

NOVEMBER 26, 2013

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

CONSENT AGENDA

(1)

APPROVAL OF CHECK EDIT LIST, REQUISITIONS AND DISPOSITIONS.

The Warrant Check Edit List # 227901 through and including #228032 were presented for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
87-13	Decontamination equipment Sheriff/HLS 11	\$4,479.00
88-13	Battery powered portable hailing system Sheriff/LETPA/SHSP	5,325.00
89-13	Day/Night furnace Sheriff/GRSO	2,049.00
90-13	Ipod metal showcase stands Travel show booths Travel Bureau	4,540.00
91-13	(5) Copiers (5) Ipad II Server for Taxroll upgrade Server for Attorney's Office Capital Replacement/IT	24,975.94

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There was one disposition for #6542, hydraulic test unit

(2)

APPROVAL OF SCOTTEE BROWER HIRED AT THE AQUATIC CENTER AS A 90 DAY
TEMPORARY EMPLOYEE UNTIL THE END OF THE YEAR.

(3)

APPROVAL OF THE FOLLOWING VOLUNTEERS FOR THE SAN RAFAEL AND
PIONEER MUSEUMS:

SHEILA SEBRING-PIONEER MUSEUM VOLUNTEER
LISA JEWKES- BOTH MUSEUMS VOLUNTEER
BARBARA LEMONS- BOTH MUSEUMS VOLUNTEER
BETH BLACK- BOTH MUSEUMS VOLUNTEER

(4)

APPROVAL OF BUSINESS LICENSE FOR I DO WEDDINGS AND EVENTS- JEANNINE q.
SEEGMILLER, OWNER.

(5)

APPROVAL OF COMMISSION MEETING MINUTES DATED NOVEMBER 12, 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.

Commissioner Ethan Migliori made a motion to move agenda item #8 to the end of the agenda and suspend agenda item #2 until a later time. The motion was seconded by Commissioner JR Nelson. The motion passed.

(2)

EMERY COUNTY EMPLOYEE OF THE MONTH

Commissioner Ethan Migliori presented Emery County Employee of the Month to Nancy Orgill.

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Nancy is a Legal Secretary III and has been employed by Emery County since June 15, 1994. She is the first person to greet citizens seeking justice or needing prosecution. She is the historian of the county attorney's office and keeps detailed records of all major cases. She serves as the victim advocate for Emery County and is the Secretary for the Domestic Violence Coalition. She assists with the Justice Court cases and is very dependable. The County Attorney says " She is the glue that holds our office together and the one that makes sure we are all on schedule and in court on time with the right files. We all rely on her." Nancy was given a plaque and Emery County Business Chamber Bucks.

(3)

RESIDENTS OF CASTLE DALE, DISCUSSION OF COTTONWOOD CREEK FLOODING
SOUTHEAST OF CASTLE DALE.

Castle Dale citizens, James Huggard, Dixie Thompson, Karen Huntsman, and Colleen Gilbert came before the Board of Commissioners to discuss an issue regarding Cottonwood Creek flooding southeast of Castle Dale. James Huggard reported that in June of 2011 flooding due to snow run-off endangered the homes of Mark H. Williams, Dwayne Gilbert and Jesse Allred as well as several fields, including his field. In September of this year the creek flooded again, this time flooding the crawl space of Mark H. William's home and encroached on several other homes and fields. Mr. Huggard provided pictures of the creek at it's fullest with the flooding potential. He indicated that the group of residents approached Castle Dale City for some assistance. Castle Dale City supported pursuing avenues to correct to situation. Mr. Huggard suggested addressing the situation before the flooding happens again next spring. He suggested cleaning up the creek and putting in a channel. He indicated that he knows that working with the Army Corp of Engineers will be a huge issue. They have been in contact with Captain Kyle Ekker who oversees Emergency Management for the county. Captain Ekker is still quite busy with the Huntington Creek Debris Basin. Sheriff Greg Funk reported that earlier this year Captain Ekker visited several potential flooding areas in the county with a FEMA representative. He is aware of this situation. He will get to this situation as soon as things let up a bit in Huntington. Commissioner Horrocks indicated that Mark H. Williams brought this situation to the Commissioner's attention back in 2011. He indicated that there may be a way to get help through the state for an alteration permit. Commissioner Nelson suggested using a different term such as stream restoration when addressing this issue. This may help the Army Corp of Engineers be more open to discussions. Commissioner Nelson suggested meeting with Emery Water Conservancy District. They may be able to do some small things that will help lessen the damage. The Commissioners indicated that they are willing to help in any way they can.

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(4)

DISCUSSION OF LANDFILL TIPPAGE FEE RESOLUTION AND PUBLIC HEARING SET FOR DECEMBER 17, 2013.

County Attorney David Blackwell reviewed the current Resolution and new proposed fees. A public hearing is set for December 17, 2013 to take comments on the new proposed fees.

(5)

CLARIFICATION OF SALE OF COUNTY-OWNED PARCEL 04-0051-0001

In the November 12, 2013 a date was set to receive sealed bids to sell county owned parcel 04-0051-0001. However, the time limit for advertising will not meet the required amount of time for advertising. Commissioner Ethan Migliori made a motion to change the date for sealed bids to be accepted in the Clerk/Auditor's office to January 10, 2014 with the bids being opened January 14, 2014. The motion was seconded by Commissioner JR Nelson. The motion passed.

(6)

CONSIDERATION AND APPROVAL OF AMBULANCE WRITE-OFF REQUEST FOR YEON O. HWANG

Commissioner Horrocks indicated that this account lacks the proper paper work and that to date no payments have been made. Commissioner JR Nelson made a motion to deny the request for an ambulance write-off for Yeon O. Hwang and request Mr. Hwang make payments. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(7)

CONSIDERATION AND APPROVAL OF AMBULANCE WRITE-OFF REQUEST FOR JACQUELINE E. DAMRON.

Commissioner Horrocks indicated that this account has received all the insurance payments that it is going to receive. The balance owing is \$584.69. Ms. Damron lives in an assisted living facility and has a guardian assigned to her. After some discussion on this matter Commissioner Ethan Migliori made a motion to table any decision to allow him time to investigate the matter further. The motion was seconded by Commissioner JR Nelson. The motion passed.

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(8)

CONSIDERATION AND APPROVAL OF LEVEL 3 CONDITIONAL USE PERMIT FOR TRAIL MOUNTAIN RESORT FOR DEVELOPMENT OF TWO SUBDIVISIONS IN JOES VALLEY.

Mike McCandless provided a brief history of this development. He stated that this is the development that exist on the east side of the lake. It is a 34 acre development that is on SITLA land that was established in 1963 as a 99 year lease. Prior to 1970 Emery County did not have a Zoning Ordinance. This lease has operated since the creation of that original development in the 60's. We have handled this development as non-conforming lot of record. That is a fancy way of saying that activities there were "grandfathered in" because it was created prior to the creation of the county ordinance. About three years ago SITLA began investigating whether this property would be potentially more profitable for them if they sold it or if they managed it differently. We met with them a number of times to help them understand that any changes to that piece of property in the way it was operated would require changing the way we enforce the zoning up there because the "grandfathering" would go away. They evaluated it, did make a determination that they wanted to sell it. They put it up for auction. It was purchased by Blaine and Maryann Luke about two years ago. About that same time amendments were made to section 11 of the Emery County Planning and Zoning Ordinance to enable a mountain subdivision lot to encourage development to occur in small cluster units rather than spreading cabins throughout the forest. The maximum size requirement for this 20 acre development with 1 acre lot sizes. The Lukes made a presentation and have been working on this process for two years. They submitted their proposal back in August. The Planning and Zoning Committee has met a couple of times on this topic. A staff review group forwarded the proposal to the Planning and Zoning Commission where it was approved and forwarded to the Board of Emery County Commissioners for approval. Joe's Valley Resort had approximately 31 structures up there. The concerns that we had was that many of the structures did not meet building codes. There was a lot of weekend building going on without building permits. Many of the septic systems were sub-standard to say the least. There were issues that we needed to have the Lukes address. In order for the Lukes to receive approval they were to decrease the density of the existing lots and go through a process with the Utah Department of Health to determine a way to handle the septic. The way they have proposed is to have it be a 16 lot development. 15 would belong to individuals with 1 as per ordinance would be open space to be used jointly as a recreation area. The second development is 8 acres would have 5 lots with open space and includes the CCC Trail. The other issue that they have to address is that they create a sub division plan with operate internal care and general upkeep of the facility. The other issue is the adoption of the wildlife urban interface plan. There are care plans for the lots regarding fire pits and other areas of safety. It was reviewed by the Planning/ Zoning Commission for two months and made a determination to forward to the Board of Commissioners for approval. It is a sub-division and does have an overall affect of the character of the county. You can accept, reject or modify the request that has been forwarded to you.

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Commissioner Nelson asked who is responsible for care of the road? Mike indicated that the road is seasonal use. It will be maintained by the homeowners association created in the development group for the upkeep of the sub-division. In the past this all had one owner and the lots were leased. This plan will enable them to sell one acre lots. This will be a platted sub-division like in a city. Each lot will have a specific owner and specific tax revenue. In the past we had no tax revenue. These will now all be on the tax roll. Attorney David Blackwell asked if they will have a CCNR? Mike indicated that they will have a homeowners association with bylaws and articles of incorporation. This is created on current case law.

Commissioner Ethan Migliori made a motion to approve a Level III Conditional Permit for Trail Mountain Resort for development of two subdivisions in Joe's Valley. The motion was seconded by Commissioner JR Nelson. The motion passed.

(9)

RATIFICATION OF BLM ROW APPLICATION FOR HUNTINGTON SOUTH DEBRIS
BASIN TEST HOLES.

Merrill Johansen, Johansen & Tuttle Engineering reviewed the application for BLM ROW for Huntington South Debris Basin. The ROW is to access private land for soils investigation for the future debris basin and drop structure in Huntington Canyon on private land. The project will require a temporary easement to access the site to conduct 8 test holes to acquire the soil profile. The application needed to be signed and sent in before this meeting so the signing of the application needs to be ratified. Commissioner Ethan Migliori made a motion to ratify the signing of BLM ROW application for Huntington South Debris Basin Test Holes. The motion was seconded by Commissioner JR Nelson. The motion passed.

(10)

APPOINTMENT OF WADE ALLINSON TO THE EMERY COUNTY HISTORIC
PRESERVATION COMMISSION

Commissioner Ethan Migliori made a motion to appoint Wade Allinson to the Emery County Historic Preservation Commission. The motion was seconded by Commissioner JR Nelson. The motion passed.

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(11)

CONSIDERATION AND APPROVAL OF COMMISSION TAX ABATEMENT FOR DENNIS TUTTLE ON PARCEL 03-0006-0007.

Assessor, Kris Bell explained that Dennis Tuttle came in during Board of Equalization, but due to a family emergency, a review of his property was put on hold. The Assessor's Office has been to Mr. Tuttle's cabin and measured and as a result they have reduced the square footage. Previous tax due was \$506.33. The new tax due is \$472.57. This is a difference of -\$33.76. Commissioner JR Nelson made a motion to accept a Commission tax abatement for Dennis Tuttle as proposed. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(12)

CONSIDERATION AND APPROVAL OF LEASE BETWEEN EMERY COUNTY AND NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION (NOAA) FOR CONTINUED PLACEMENT OF THE WEATHER SERVICE EQUIPMENT AT HORN MOUNTAIN.

Bret Mill, Communications discussed this lease with the Commissioners. Bret recommended that the Commissioners not sign the lease with NOAA. Bret indicated that he found nine discrepancies with the lease. He stated it gives all rights to the federal government. He suggested drafting our own contract. NOAA is an important service for our communities. "However," he said, "I don't think we should give them our building." Commissioner Ethan Migliori made a motion to not approve the lease between Emery County and National Oceanic and Atmospheric Administration (NOAA) for continued placement of the weather service equipment at Horn Mountain and to direct Bret Mills and Attorney David Blackwell to draft a contract that will be equitable for both parties. The motion was seconded by Commissioner JR Nelson. The motion passed.

(13)

CONSIDERATION AND APPROVAL OF JOINT PERMIT APPLICATION WITH THE U.S. ARMY CORPS OF ENGINEERS FOR HUNTINGTON SOUTH DEBRIS BASIN.

Merrill Johansen, Johansen & Tuttle Engineering reviewed a joint application with the U.S. Army Corps of Engineers for Huntington South Debris Basin. Merrill indicated this application is necessary any time you alter or move any thing around in the river or stream. This is required to begin the process for the project. There is a fee associated with the application. Commissioner JR Nelson made a motion to approve of Joint Application with the U.S. Army Corps of Engineers for Huntington South Debris Basin. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(14)

APPROVAL OF APPLICATION WITH STATE OF UTAH FOR DAM NOT REQUIRING
SUBMISSION OF FORMAL PLANS FOR HUNTINGTON SOUTH DEBRIS BASIN.

Merrill Johansen explained that since this is a sediment basin and not a large dam, we will not have submit formal plans to the state and have a review with them. This is just letting them know what we are doing. Commissioner JR Nelson made a motion to approve application with the State of Utah for dam not requiring submission of formal plans for Huntington South Debris Basin. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(15)

COMMISSION/ELECTED OFFICIALS REPORTS.*Commissioner Nelson*

Commissioner Nelson reported on activities at UAC Convention in St. George. The Fire District meet a week ago. Commissioner Nelson commented that the average volunteer fireman puts in 180 hours of training per year, on their own dime and their on time. They are a valuable asset to our communities. The district is looking into replacing older pumper trucks. Commissioner Nelson asked Ray Petersen to report on greater sage grouse discussions in a meeting they recently attended. Ray reported that Emery County is not as impacted as some other counties. He stated that we do have a small population on Horn Mountain in the Pines area actually in Sevier County. They attended a meeting with BLM, Forest Service, Wayne County and Emery County. Wayne County has a large population of greater Sage Grouse. The management of the greater Sage Grouse there should be a foster child for Sage Grouse management. The population is 400% of what it was a few years ago. It is obvious that Utah has done a good job of managing these birds. It is the intent of the BLM State Management Plan to keep the birds from being listed. The Governor's Task Force on Sage Grouse is trying to make that happen by relaying to the Fish and Wildlife Service that the counties have been successful in managing the birds, let them continue. The comment period for the plan will run through end of January, 2014.

Ray also commented on BLM holding oil and gas leases sale. At the last minute the BLM made the decision to defer about 90,000 acres from being offered for sale. The way it was done caused Emery County some great concern. Emery County made some noise with our legislators to point out to the Department of the Interior and BLM that that is not good business. The sale that took place generated \$3.4 million dollars. We would like to have seen the rest of the parcels in that sale.

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Commissioner Nelson thanked Castle Valley Special Service District for all they do. They did not get out of CIB what they wanted, but do the best with what they have.

He talked about Emery Water Conservancy District and an emergency meeting they recently held regarding changes with the government and potential take over of water management.

He reported on the Senior Citizen Christmas Party will be December 6, 2013 at 5:30 pm.

Commissioner Migliori

Commissioner Migliori reminded everyone that the Museums will be open during the Thanksgiving break to be available for visitors in the area.

He reported on attending a meeting with Public Utilities where they discussed proposed legislation for transmission lines. There is a proposal for transmission lines to go through Emery County via Wyoming to California. They are looking at the advantages of this proposal. He reported on recent COG meeting with all the mayors. They will be changing out half the mayors by the next meeting. There is some interest by the cities to have a universal animal control ordinance. They are interested in looking at a domesticated animal ordinance that is universal to all cities. He encouraged the cities to get their capital improvement list put together that will go to CIB. Orangeville has a bridge that needs some restoration to maintain its structure.

Historic Preservation Committee took some signs to several historic sites in the County. They are currently working on a few other projects.

Commissioner Horrocks

Commissioner Horrocks attended a meeting in Richfield on the So. Moore Road Phase 10. He reported on attending a Housing Meeting where they discussed making things better for low income housing. He reported on attending Emery County Business Chamber Lunch and Learn. He talked about a meeting with the bouldering group that spend a lot of time in Joe's Valley. discussions were made on things like restrooms, parking and camping.

Commissioner Migliori reminded everyone that with the Christmas Holiday coming up that there are a number of shop local campaigns coming up. He encouraged everyone to shop local. Spending money locally helps cities generate revenues.

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(16)
ADJOURNMENT

The meeting was adjourned.

ATTEST: _____ COMMISSIONER: _____