

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 4th DAY OF NOVEMBER 2014
AT THE COURTHOUSE, FILLMORE, UTAH

PRESENT: Alan M. Roper Chairperson
James I. Withers Commissioner
Daron P. Smith Commissioner

Richard Waddingham County Attorney
Norma Brunson County Clerk
Marki Rowley Deputy County Clerk

ALSO PRESENT: Tate Bennett Public Defender
Bart Whatcott East Millard Recreation Director
Emery Polelonema Six County AOG
Deb Haveron Justice Court/Tourism
Wayne Jackson Military Liaison
Susan Wilcox Assessor’s Office
Pat Manis County Assessor
Brandy Grace County Auditor

PURSUANT TO AN AGENDA WHICH HERETOFORE HAD BEEN PROVIDED TO each member of the governing body, posted at the principal office of the Millard County Commission, posted on the Utah Public Notice Website, and provided to the Millard County Chronicle Progress, a newspaper of general circulation within Millard County, Utah, as required by law, the following proceedings were had:

PUBLIC WAS WELCOMED

The meeting began at 10:00 a.m. after a brief welcome by Commissioner Roper to the public and Commission members.

OPENING STATEMENTS

Commissioner Roper asked if anyone had an opening statement to give. Commissioner Smith read a quote from Pat Riley: “Courage is not the absence of fear, but simply moving on with dignity despite that fear.” Commissioner Withers said the invocation. Everyone stood and said the Pledge of Allegiance to the Flag. Commissioner Roper excused Clerk Brunson from today’s meeting.

APPROVAL OF OCTOBER 21, 2014 COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held October 21, 2014 were

presented for consideration and approval. Following review and consideration of minor corrections, Commissioner Withers made a motion to approve the minutes of October 21, 2014, as corrected.

Commissioner Smith SECONDED the motion. The voting was unanimous and the motion carried.

FOLLOW UP ACTION ITEMS FROM OCTOBER 21, 2014

Commissioner Withers met with Cheryl Michaud and Doris Brown regarding their issues with the Delta Sands Apartments in Delta. He said that they will move forward with remedying some of their issues.

Commissioner Withers said that he visited with the Road Department regarding putting in a reflective stop sign by the landfill and Mr. Carling's fence.

Commissioner Withers visited with Sheryl Dekker, Planning Administrator, regarding the issue with the Scipio Town dump site and needing an additional dumpster. He said that Ms. Dekker will visit with Phil Lovell, Landfill. They will meet with the Scipio Town Board to make a decision that is best for the town.

REVIEW OF THE PUBLIC DEFENDER CONTRACT

Tate Bennett said that the current contract has a one year renewal option. He said that he feels everything has been going good. His case load is about the same as it was last year, maybe a little less, but he does not have the numbers with him. He said that he follows the same routine regardless of how many cases he has. He said that the numbers do not change the way he does his job.

Attorney Waddingham said that they keep the statistics on the number of cases that go through. Not all of them are public defender cases but they could get the numbers for the commissioners at any time.

Mr. Bennett informed the commissioners that Mr. Mathie, who just signed a contract with the County for conflict counsel has accepted another position, so Mr. Bennett thinks that the County needs to find a replacement for that contract. He said that there are very few conflict counsel cases and he suggested a few names for a replacement.

Commissioner Withers made a motion to renew the public defender contract for the year 2015.

Commissioner Smith SECONDED the motion. The voting was unanimous and the motion carried.

POSSIBLE CLOSED MEETING PURSUANT TO UTAH CODE ANNOTATED SECTION 52-4-204 & 205

Commissioner Smith made a motion to go into a closed session to discuss the character, professional competence or physical or mental health of an individual.

Commissioner Withers SECONDED the motion. The voting was unanimous and the motion carried. Present in the closed session were: Commissioner Roper, Commissioner Smith, Commissioner Withers, Attorney Waddingham, Deputy Clerk Rowley and Bart Whatcott.

After the closed executive session the regular meeting reconvened at 10:39 a.m..

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 14-11-04, A RESOLUTION OF THE MILLARD COUNTY COMMISSION AMENDING THE EQUESTRIAN PARK RULES AND REGULATIONS FOR USE OF PROPERTY OR BUILDINGS UNDER THE MILLARD COUNTY FACILITIES USE AND RENTAL POLICY, BY AMENDING THE FEE SCHEDULES FOR RENTING EQUESTRIAN PARK FACILITIES; AND ESTABLISHING PROCEDURES FOR USE OF THE EQUESTRIAN PARK FACILITY FOR EQUESTRIAN, SOCCER AND OTHER EVENTS

Mr. Whatcott discussed proposed changes to the equestrian park rules and regulations with the commissioners.

The commissioners said that they would like to review the policy more before approving the changes.

Commissioner Withers made a motion to strike Resolution 14-11-04, a Resolution of the Millard County Commission amending the Equestrian Park Rules and Regulations for use of property or buildings under the Millard County Facilities Use and Rental Policy, by amending the fee schedules for renting equestrian park facilities; and establishing procedures for use of the equestrian park facility for equestrian, soccer and other events.

Commissioner Smith SECONDED the motion. The voting was unanimous and the motion carried.

DISCUSSION REGARDING THE EAST MILLARD SOCCER AND BASEBALL FIELDS - BART WHATCOTT, EAST MILLARD RECREATION DIRECTOR

Mr. Whatcott said that soccer seems to still be the major issue. He said that he is still getting pressure from the soccer people on where the soccer fields are located. The commissioners will discuss this more with Mr. Whatcott in the future.

Commissioner Withers asked why they don't use the lawns around the elementary and middle schools for soccer play. He said that there are nets on one of the lawns and another huge lawn that could be used for soccer fields. Mr. Whatcott said that he discussed that option with the School Board but they were worried that if they were to roll the field to make it usable it would break the pipes.

DISCUSSION AND POSSIBLE RENEWAL OF THE RPLCC CONTRACT WITH ROBERT K. WIEDNER

Commissioner Smith said that the contract amount went up \$500.00. He said that the amount is calculated on the amount of PILT money the County receives, which went up a little bit this year. Commissioner Roper asked if the County feels like it is getting its money worth from this contract.

Both Commissioner Smith and Commissioner Withers said that they feel that the County gets good value from the work Mr. Wiedner does.

Commissioner Withers made a motion to renew the RPLCC contract with Robert K. Wiedner in the amount of \$16,000.

Commissioner Smith SECONDED the motion. The voting was unanimous and the motion carried.

DISCUSSION AND POSSIBLE APPOINTMENT OF WAYNE JACKSON AS MILLARD COUNTY MILITARY LIAISON

Commissioner Withers made a motion to appoint Wayne Jackson as Millard County's Military Liaison for the Veterans and National Guard.

Commissioner Smith SECONDED the motion. The voting was unanimous and the motion carried.

DISCUSSION AND POSSIBLE ABATEMENT OF A PORTION OF SANDBAGGERS, INC. PERSONAL PROPERTY TAXES

Commissioner Withers made a motion to abate Sandbaggers, Inc. personal property taxes to \$686.10 plus interest and penalties of \$137.22 for a total of \$823.32.

Commissioner SECONDED the motion. The voting was unanimous and the motion carried.

DISCUSSION REGARDING VOLUNTEERISM IN MILLARD COUNTY

Commissioner Withers said that he is grateful and appreciative of all of the volunteers in the County. He said that we could not function as a County without all of the great people who step up and help with all of the programs. He said that our programs are great because of the volunteers.

Commissioner Roper said that he agrees that volunteers make the County a great place.

DISCUSSION REGARDING CIB LIST - EMERY POLELONEMA

Mr. Polelonema said that he is here today to ask for permission to go out and visit the communities regarding CIB projects. He is planning to make those visits in January. He will then be back for final approval of the CIB list sometime in March. He handed out the CIB list and asked if there are any questions.

Commissioner Roper asked if there is room for entertaining economic development ideas. Mr. Polelonema said that there are exceptions to the requirements and gave example of a project in Salina, Utah.

The Commissioners went over the list and discussed what could be removed from the list.

The commissioners thanked Mr. Polelonema. Mr. Polelonema thanked the Commission for allowing him to come into the County. He asked if the County could send him pictures and GPS coordinates of the projects that used CIB and CDBG funds so that his office can catalog them and put them on the Six County website.

DISCUSSION AND POSSIBLE APPROVAL OF CONTESTING THE TAX COMMISSION PERSONAL PROPERTY AUDIT APPEAL - COUNTY ASSESSOR PAT MANIS

Assessor Manis said that this year has been more unique with personal property taxes than years past. He went over a specific tax account and its unique situation. He gave a brief history of what has taken place with the account and what steps his office has taken. He went over the code with the Commission regarding this situation. This account holder has filed an appeal with the Utah State Tax Commission. He has also filed an appeal with the County.

Assessor Manis said that his concern is that the account holder does not have any basis for an appeal because he forced the County into an estimate and the code says that you cannot appeal an estimate. He hopes that the County will reject the appeal and then the account holder could go to the State.

Attorney Waddingham said that the Commission is limited on what it can do in this situation. Auditor Grace said that if the County would like to do what Assessor Manis is recommending, they must notify the tax payer and hold a BOE. Attorney Waddingham said that the County has about a month to act on this. The County will need to send notice of the hearing to the account holder. The hearing will be held Tuesday, November 18, 2014 after the commission meeting.

PUBLIC INPUT

Commissioner Roper said that the County appreciates Wayne Jackson for all that he does for the County.

Wayne Jackson said that they are still working on the veterans wall. They will begin the caulking today. He said that they were given rock for the wall that came from Rice-Eccles Stadium for free. He said that it looks really good. He spoke to Klint Penney, East Millard Maintenance about getting the flags refurbished in his budget. They will spray the anti graffiti to the poles soon.

They will have a rededication of the wall at 4:00 p.m., Tuesday, November 11, 2014. There will be a dinner later that evening where they will be giving out the honor flight books. He invited the commissioners and their spouses to the events.

Mr. Jackson discussed funding for the State Convention next year. Deb Haveron, Tourism Director, suggested that he apply for the funding to the Tourism Board in January.

Mr. Jackson said that they had to add names to the Veterans Wall which went from 4,600 names to 5,040. He said that the wall committee had money left over and was able to pay for mounting and cutting. They now only need to pay for the aluminum bars. Steve Robison has not gotten them a bill for that yet.

Mr. Jackson discussed the bill received from Colonial Flag which was \$13,000 over what they originally quoted for the veterans wall project. He and Attorney Waddingham will get together and go over the contract to see if the amounts charged were covered in the contract.

OTHER BUSINESS

Deb Haveron discussed payment on a bill she received.

Ms. Haveron said that the carpet for her office has been delivered. Now is the best time to lay it since she does not have court for a couple of weeks. Commissioner Roper said that he will discuss it with Mr. Penney.

Ms. Haveron discussed a meeting to be held on November 19, 2014 at 7:00 p.m..

Commissioner Smith presented a hardship abatement application for Penney Young. The commissioners reviewed the application.

Commissioner Smith made a motion to abate 50% of Penney Young's property taxes, based on income guidelines from the State of Utah.

Commissioner Withers SECONDED the motion. The voting was unanimous and the motion carried.

Attorney Waddingham said that he will provide the commissioners with a copy of a request from the State to assist in discovery in Millard County's RS2477 roads lawsuit. He said that he will research the tax appeal that is coming to determine exactly what the written statement constitutes and what it means so that they will have more information to know what the options are for the appeal.

DISCUSSIONS FROM EACH COMMISSIONER, COUNTY ATTORNEY, ELECTED OFFICIAL AND SECRETARY

Commissioner Smith said that since the County approved the predator control renewal there have been ten to twelve racoon vouchers turned in.

Commissioner Roper visited with Merlin Jackson, Pahvant Builders, regarding the public health building. Mr. Jackson is requesting a payment of \$60,000 to pay for the concrete in the parking lot.

The Commissioners are planning on meeting him at the site today to see what he has done so far.

The commissioners discussed bidding out janitorial services for the public health building.

Commissioner Withers said that he heard that the School Board is not going to use the building in Garrison which was discussed at a previous meeting. Commissioner Withers said that if they proceed with the building they would have to make sure that they have water. He said that

they are planning on using some money they have budgeted to build a well and a restroom there, if they are able to acquire the building.

The commissioners discussed the plans for the upcoming UAC conference and items to put on upcoming agendas.

POSSIBLE REVIEW OF COUNTY POLICIES AND CONTRACTS

There was none.

WHERE UPON THE MEETING ADJOURNED

Commissioner Smith made a motion to adjourn the meeting.

Commissioner Withers **SECONDED** the motion. The voting was unanimous and the meeting adjourned at 12:10 p.m..

Attest: _____

Approved: _____