

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY SPECIAL MEETING
THE 30th DAY OF DECEMBER 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: Brandy Grace County Auditor
Aaron Leatham, Clark Mortensen, Steve Maxfield, Brandon Bartholomew, Todd
MacFarlane, Josh Tolley, Molly Stevens and
Donald Brown Citizens
Dean Draper Commissioner Elect
Pat Finlinson Attorney's Office
Sheri Dearden Treasurer's Office
Hannah Jones & Bill Barrett Chronicle Progress

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 Withers said the invocation. Everyone stood and said the Pledge of Allegiance to the Flag.

PUBLIC HEARING FOR THE PURPOSE OF RECEIVING PUBLIC COMMENT ON POSSIBLY OPENING AND AMENDING THE GENERAL FUND, RECREATION FUND, ROAD DEPARTMENT FUND, SPECIAL PROJECTS FUND, AND CAPITAL PROJECTS FUND

Commissioner Smith made a motion to enter into the public hearing to take public comment on possibly opening and amending the general fund, recreation fund, road department fund, special projects fund and capital projects fund.

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

Present were: Auditor Grace, Aaron Leatham, Clark Mortensen, Dean Draper, Steve Maxfield, Brandon Bartholomew, Todd MacFarlane, Hannah Jones, Pat Finlinson and Sheri Dearden.

Commissioner Roper called the public hearing to order at 10:07 a.m..

Auditor Grace said that this is not uncommon, at this time of the year they watch the fund balance and they have had some extra revenue come in from being conservative in budgeting the revenues, as well as some budgeted expenditures that did not take place. Therefore, the net result is some surplus funds in the general fund. The statute only allows a maximum carryover of either 50% of the total general fund revenue or one year's property tax revenue. She said that although they may come in close, there are still some large item purchases that will be paid out. She said in order to be compliant with the statute she recommends that they move \$1,000,000.00 from the general fund to capital projects fund for the additional expenditures.

Auditor Grace said that some time ago the decision was made to hire a full-time East Millard Recreation Director for which the County had not budgeted. She said that she moved money within the same fund from the bookmobile contract to make sure their regular monthly report would not show overages each month. She suggested moving \$35,000 for replacing the bookmobile contract for hiring the East Millard Recreation Director.

Auditor Grace said that the Road Department Fund was advertised for consideration, but looking closer into its budget they have enough money to finish up the rest of the year, therefore, she is not recommending adding any funding to the Road Department fund.

Auditor Grace explained that although the Special Projects fund is well under budget, there are a couple of large payments that will be made to finish out the NRCS project. There is about \$950,000.00 deficit in cash balance for special projects, but there will be about \$1,500,000.00 coming in from NRCS to reimburse the County as grant funds for the Clay Springs Fire projects. She recommends that they utilize some of the general fund money until that grant money comes in. After the first of the year when the grant funds come in, the money will be transferred back to the general fund.

Auditor Grace said that the 911 Fund has a negative cash balance of just over \$44,000.00 due to some purchases that grant money has not yet come in to cover.

Steve Maxfield asked Auditor Grace to explain the amounts that are allowed to be carried over from year to year. She explained that she tries to keep it under \$7,000,000.00. She explained what makes up the general fund and she reiterated that the maximum carryover is 50% of total estimated revenue or one year's property tax which this year was \$6,900,000.00. She also explained that there are still expenditures that will be paid out and revenues that will still come in. She said that

she would like to get the amount down to \$6,500,000.00.

Auditor Grace said that the advertisement for the public hearing was published in the Chronicle Progress on December 24, 2014.

There were no other comments made.

Commissioner Withers made a motion to go out of the public hearing.

Commissioner Smith SECONDED the motion. The voting was unanimous and the motion carried. The public hearing closed at approximately 10:14 a.m..

The regular meeting reconvened.

POSSIBLE ADOPTION OF RESOLUTION 14-12-30, A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MILLARD COUNTY, STATE OF UTAH, TO OPEN THE 2014 MILLARD COUNTY BUDGET AND AMEND THE GENERAL FUND, RECREATION FUND, ROAD DEPARTMENT FUND, SPECIAL PROJECTS FUND, AND CAPITAL PROJECTS FUND

Commissioner Smith made a motion to approve Resolution 14-12-30, a resolution of the Board of County Commissioners of Millard County, State of Utah, to open the 2014 Millard County Budget and amend the general fund up to \$1,000,000.00, recreation fund up to \$35,000.00 and capital projects fund up to \$750,000.00.

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

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 14-12-30A, A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MILLARD COUNTY, UTAH APPOINTING TRUSTEES TO THE BOARDS OF MILLARD COUNTY DRAINAGE DISTRICT 1, DRAINAGE DISTRICT 2, DRAINAGE DISTRICT 3 AND DRAINAGE DISTRICT 4

Attorney Waddingham said that there are four people up for appointment. District 1 does not have anyone at this point so it will need to be brought back.

Commissioner Withers made a motion to approve Resolution 14-12-30A, a resolution of the Board of County Commissioners of Millard County, Utah appointing trustees to the Boards of Millard County Drainage District 2, Tony Anderson; Drainage District 3, Kenneth Fowles and Drainage District 4, Scott Anderson.

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

DISCUSSION AND POSSIBLE APPOINTMENT OF MEMBERS TO SERVE ON THE MILLARD COUNTY ECONOMIC DEVELOPMENT ASSOCIATION (MEDA) BOARD

Commissioner Roper said that they are not ready at this point to appoint any new members but will appoint Stacey Anderson for an additional term.

Commissioner Withers made a motion to appoint Stacey Anderson to serve on the MEDA Board for an additional term.

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

Commissioner Withers made a motion to recess until 10:35 a.m..

Commissioner Smith SECONDED the motion. The voting was unanimous and the motion carried. The meeting recessed at 10:19 a.m.

Commissioner Withers made a motion to reconvene the meeting.

Commissioner Smith SECONDED the motion. The voting was unanimous and the motion carried. The meeting reconvened at 10:35 a.m..

DISCUSSION AND POSSIBLE APPOINTMENT OF MEMBERS TO SERVE ON THE PLANNING AND ZONING COMMISSION

Commissioner Roper said there was a list of people who submitted their names for possible appointment. He said that there will be one appointment from both sides of the County. They are considering 14 of those people. Commissioner Smith read off the 14 names being considered.

Commissioner Roper said that they appreciate those who stepped forward and put their names in the hat to be considered for this position. He said that they felt that all of them had certain qualifications and could serve on that board. He said that they had discussion as they interviewed those candidates. He said that Commissioner Elect Dean Draper was included in the interviewing process.

Each commissioner including Commissioner Elect Dean Draper all gave their opinions of who they felt was the best candidate for the positions.

Mr. Draper went over some of the questions asked during the interview process. He said that Clark Mortensen, Elizabeth Little and Lewis Dutson, from the west side and Matt Kesler, Josh Tolley and Steve Maxfield from the east side would be the best candidates for the position since they have a lot of qualities to bring with them.

Commissioner Roper said that Neil Ashton called and said that he would like his name removed from the list of consideration for appointment. He indicated that he has received phone calls and felt like he did not want to get into the controversy of what it might be. He was worried that it might affect his business.

Commissioner Roper said that he was impressed with Jodi Robison, Tom Nielson, Ted Recuperero and Elizabeth Little during the interview process.

Commissioner Smith also appreciated everyone and thought that they all had good qualifications and appreciation for living in the County. He was most impressed with Tom Nielson, Elizabeth Little, Jodi Robison, and Pete Vander Meide.

Commissioner Withers said that he appreciates the volunteers who come forth to try and make our County a better place. He said that it disturbs him that a gentleman who has two

businesses in our County and provides great service has been persuaded to withdraw his name as a volunteer. It concerns him a great deal. He said that he has never heard of this before; a person who stepped forward and within a week decides he no longer wants to be involved because he gets phone calls. He said that he appreciates people who will step up and volunteer to make the county a better place not a worse place. The only way the County will succeed is to have volunteers.

Commissioner Smith said that he would have considered Mr. Ashton if he had not chosen to have his name removed.

Commissioner Smith made a motion to appoint Tom Nielson to serve on the Planning and Zoning Commission Board.

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

Commissioner Withers made a motion to appoint Jodi Robison to serve on the Planning and Zoning Board.

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

Commissioner Roper said that they appreciate those who put their names in the hat and hope that the citizens will continue to work with the County and move forward.

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

Attorney Waddingham explained that the statute says that on the order for a special meeting you consider those things on the order unless the board votes unanimously to transact other business.

Commissioner Smith made a motion to go into a closed executive session to discuss pending litigation.

Commissioner Withers SECONDED the motion. Commissioner Withers voted YES. Commissioner Smith voted YES. Commissioner Roper voted YES. The voting was unanimous and the motion carried. Present in the closed session were: Commissioner Withers, Commissioner Roper, Commissioner Smith, Attorney Waddingham, Deputy Clerk Marki Rowley and Attorney Pat Finlinson.

After the closed executive session the regular meeting reconvened at 11:05 a.m..

Commissioner Smith made a motion to proceed forward with settlement on the case with IHC.

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

WHERE UPON THE MEETING ADJOURNED

Commissioner Withers made a motion to adjourn the meeting.
Commissioner Smith SECONDED the motion. The voting was unanimous and the meeting adjourned at 11:06 a.m..

Attest: _____

Approved: _____