

MINUTES OF BOARD OF COUNTY COMMISSIONERS  
MILLARD COUNTY THE 18th DAY OF AUGUST 2015  
AT THE COURTHOUSE, FILLMORE, UTAH

PRESENT: James I. Withers . . . . . Chairperson  
Alan M. Roper . . . . . Commissioner  
Dean Draper . . . . . Commissioner  
  
Pat Finlinson . . . . . County Attorney  
Marki Rowley . . . . . County Clerk  
Lesli Shields . . . . . Deputy County Clerk

ALSO PRESENT: Pat Manis . . . . . County Assessor  
Susan Wilcox . . . . . Deputy County Assessor  
Brandy Grace . . . . . County Auditor  
Sheri Dearden . . . . . County Treasurer  
Connie Hansen . . . . . County Recorder  
Bart Whatcott . . . . . East Millard County Recreation  
Jed Memmott . . . . . Scipio Town Mayor  
Amanda Allen . . . . . 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 Withers to the public and Commission members.

OPENING STATEMENTS

Commissioner Withers asked if anyone had an opening statement to give. Commissioner Roper said the invocation. Everyone stood and said the Pledge of Allegiance to the Flag.

APPROVAL OF AUGUST 4, 2015, COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held August 4, 2015, were presented for consideration and approval. Following review and consideration of minor corrections, Commissioner Roper made a motion to approve the minutes of August 4, 2015, as corrected.

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

carried.

#### FOLLOW UP ACTION ITEMS FROM AUGUST 4, 2015

Attorney Finlinson said that he has kept in contact with the vendor in Chicago for the Material Safety Data Set (MSDS) and will most likely be contracting with him.

Attorney Finlinson said he will be contacting all department heads and asking them to compile a list of all chemicals they have for their department.

Commissioner Roper said he tried to contact Pyper Mathews, Miss Millard Outstanding Teen, to see if she needed any help putting a team together for the Miss Utah Outstanding Teen Golf Tournament. He has not heard back from her yet. He would like to get the names of those who will be representing Millard County at the tournament.

Commissioner Roper asked if Phil Lovell, Landfill Supervisor, had been over to look at the fence at the landfill. He said he is available to go to the landfill with Mr. Lovell, if needed.

Commissioner Withers will contact Mr. Lovell to check on the status.

Commissioner Withers contacted Marion Anderson, Oak City Irrigation Company, and asked him to compile an itemized list of repairs needed due to the destruction of the fire in 2013.

Commissioner Draper said he spoke with Mark Huntsman, Sunrise Engineering, regarding an invoice they submitted for services rendered before the new contract was in place, but charged the new contract rate. Mr. Huntsman said the invoice will be adjusted to the correct rate.

#### DISCUSSION AND POSSIBLE EXTENSION OF FOUR BOARD MEMBERS TO FOUR YEAR TERMS ON THE MILLARD CARE & REHABILITATION (MC&R) BOARD

Commissioner Draper said the MC&R Board is considering changing four board positions to four-year terms so they will expire on a staggered basis. The names of those board members whose terms would change are Tony Dearden (Chairman), JoAnn Campbell, Lon Jackson and Gale Chapman.

Attorney Finlinson will look at the formation documents to see if the terms are set out in the articles or the by-laws.

This agenda item will be brought back at a future commission meeting.

After the meeting convened, it was found that the terms were already staggered, therefore, this agenda item would not be needed on a future agenda.

#### DISCUSSION AND POSSIBLE APPROVAL OF PERSONAL PROPERTY EXEMPTIONS

Assessor Manis presented the commission with a list of the businesses that applied for a personal property tax exemption. He said that in 2014 the Legislature increased the personal property tax exemption from \$3,700.00 to \$10,000.00. In 2015, the personal property tax exemption

went up to \$10,200.00.

Assessor Manis explained that applicants who receive a survey have to apply for the exemptions and the commission then approves or denies those applications. He said there were about 170 business accounts that have applied for an exemption. The total value for those that applied for exemptions is \$464,771.00; the revenue generated would be \$5,585.00.

Assessor Manis explained that if the Assessor's Office is concerned about an application for exemption, the applicant would be audited by the State. He said there are ten audits on the list for this year.

Commissioner Roper made a motion to accept the personal property tax exemptions as listed.

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

Assessor Manis discussed the personal property taxes for Modular Space Corporation; account # P008761. He said this business is a modular office that filed for exemption this year. They classified the business wrong causing the value to depreciate too quickly. Susan Wilcox, Deputy County Assessor, corrected the class code and sent an adjusted bill for \$25.73 to the address on file.

Assessor Manis said there has been no response from the company and the modular office is no longer there. He then asked for the \$25.73 to be waived.

Commissioner Draper made a motion to waive the personal property taxes in the amount of \$25.73 for Modular Space Corporation.

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

Assessor Manis explained that when a business closes, the Assessor's Office requests that a business closure form be submitted. He said that Sunshine Academy Preschool never sent in a business closure form. The Assessor's Office talked to the owner, who indicated that the business closed before January 1, 2015. Therefore, he is requesting that Sunshine Academy Preschool be removed from the personal property tax list and the balance of \$94.00 be waived.

Commissioner Roper made a motion to remove Sunshine Academy Preschool from the personal property tax list and waive the balance owed of \$94.00.

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

#### DISCUSSION REGARDING EAST MILLARD EQUESTRIAN PARK BILLINGS - BART WHATCOTT & PACO ALCALA

Mr. Whatcott gave some background on the way billings have been done in the past at the East Millard Equestrian Park. He said for the last 13 months he has been sending bills on a monthly basis. Starting in March, he added 1.5% to the unpaid balances. He then sent a letter from the

Attorney's Office to all delinquent accounts asking for payment. He said there is currently about \$4,000.00 owed on delinquent accounts.

Mr. Whatcott said that Paco Alcala is one customer who currently owes \$1,330.44. A few years ago, a saddle and some equipment that belonged to Mr. Alcala was reported to have been hauled off by the jail crew. Mr. Alcala is asking that an adjustment be made on his bill, to replace the equipment that was hauled off. Mr. Alcala estimated that the equipment hauled off valued at approximately \$1,200.00.

Mr. Whatcott said he is going to have signs made up that state that Millard County is not responsible for any property left at the Equestrian Park. He said he is also going to start getting signed agreements from customers with money paid up front. The agreements will also state that Millard County is not responsible for personal property left at the Equestrian Park.

Commissioner Roper expressed his appreciation to Mr. Alcala for helping with the economy in Millard County by hosting racing events at the Equestrian Park, which brings people into Millard County.

Mr. Alcala discussed a few items with the commission, including putting a privacy fence in around the Equestrian Park and fixing the horse walker.

Commissioner Roper said the privacy fence has been discussed several times and he thinks it is something that should be addressed. He said he and Mr. Whatcott will look at the horse walker to see if it can be fixed.

Attorney Finlinson expressed his appreciation to Mr. Whatcott for putting so much time and effort into collecting the unpaid debts. He also thanked him for making sure to prevent similar situations in the future.

Commissioner Roper recommended Mr. Whatcott and Mr. Alcala come to an agreement regarding Mr. Alcala's bill and bring that agreement back to a future commission meeting for approval. He also recommended Mr. Whatcott follow up on the delinquent accounts with another letter.

## DISCUSSION REGARDING THE PROCESS FOR INTERVIEWING FOR A NEW SUNSET VIEW GOLF COURSE GOLF PRO

Auditor Grace said the deadline for applications on this position, submitted through the Workforce Services website, is August 19, 2015, at 5:00 p.m.. Her office has received five applications so far.

Interviews will take place in Commission Chambers August 28, 2015, starting at 9:00 a.m.. The commissioners, Chief Deputy County Attorney Kaela Jackson and a representative from the Golf Committee will all be sitting in on the interview process.

## REVIEW OF SURPLUS REAL PROPERTY AND POSSIBLE APPROVAL OF AN ADVERTISEMENT TO SELL SAID PROPERTY

Auditor Grace presented the commission with a list of properties that have come back to the County as a result of prior tax sales and asked for approval to list some of those properties for sale. Treasurer Dearden compiled the list and Assessor Manis reviewed the parcels with a GIS overlay.

Auditor Grace recommended listing the parcels for one or two weeks and accepting sealed

bids. After which, whatever properties do not sell would be placed on the County's website for open bidding.

Treasurer Dearden said there are about 20 parcels that she would recommend be listed for sale.

Commissioner Withers said he would like for the commissioners to review the parcels prior to making a decision.

Attorney Finlinson advised that formal discussion and action would need to take place during a commission meeting, but any preparation work could be done outside of a commission meeting.

The commissioners will meet with Auditor Grace, Treasurer Dearden, Assessor Manis and Recorder Hansen to review the parcels. This agenda item will be brought back to a future commission meeting.

Commissioner Withers said he was approached by Guadalupe Morales, who owns a piece of property by the Indoor Arena. Mr. Morales asked him if the County would be interested in selling a 0.31 acre piece of the Indoor Arena property that is located next to his property.

Commissioner Roper recommended the commissioners look at the parcel and decide from there. If they decide to sell the property, it would have to be advertised for sealed bids.

#### PUBLIC INPUT

Scipio Town Mayor Jed Memmott explained to the commission the difficulties the Scipio Transfer Station has had. He said Yuba State Park has been bringing a trailer full of trash regularly and dumping there; usually on Sundays when the transfer station is closed.

Commissioner Withers talked to Sheryl Dekker, Millard County Landfill Operations Manager, who was unable to find a contract between Millard County and Yuba State Park.

Mayor Memmott said he would prefer Yuba State Park contract with Juab County or Delta City since there is not enough capacity for them to dump trash at the Scipio Transfer Station.

Mayor Memmott said the Flying J is going to also find an alternative to dumping at the Scipio Transfer Station and will be contacting the Delta Garbage Company to find out the cost of garbage pick-up.

Commissioner Withers said it would be a good idea to meet with Yuba State Park to get this issue resolved. He will contact Yuba State Park and set up a meeting.

Mayor Memmott said that Scipio Town may decide to lay asphalt around its community building instead of re-used road base.

Commissioner Withers said Brandon Winget, County Road Supervisor, informed him that there is not any re-used road base available right now, but there may be some available in the spring.

Mayor Memmott said he needs a solid surface to meet ADA standards and to finish up the seal on that building.

Mayor Memmott said there has not been any maintenance on the Juab County side of the Frontage Road, West of I-15, for several years.

Commissioner Roper said he talked to Juab County Commissioner, Byron Woodland, about this issue and Commissioner Woodland said he will look at the road and come up with a solution.

Commissioner Roper will contact Commissioner Woodland for an update on this issue.

## OTHER BUSINESS

Commissioner Draper said that Scott Barney, Economic Development Coordinator, told him that he and a team are going to Grand Junction, Colorado, in September; to attend an innovation challenge workshop for coal reliant counties.

Later, it was discussed that this is a National Association of Counties (NACo) sponsored workshop and a grant received through Six County Association of Government (AOG) will fund Mr. Barney's attendance.

Commissioner Draper said he received an email from NACo regarding a coal industry workshop being held in Charleston, West Virginia, in November. The registration deadline for that workshop is September 23, 2015.

Commissioner Withers said it would be beneficial for someone to attend the workshop since there is a coal-fired power plant in the County.

Commissioner Draper said interviews for the replacement of Darrick Trump at the Millard Care & Rehabilitation (MC&R) will take place today at 1:00 p.m. in Delta, Utah. He will be involved with the interview process.

Commissioner Roper said the commissioners met with Governor Gary Herbert in Parowan, Utah, on August 6, 2015, and toured the solar project in Iron County. That same afternoon they met with Governor Herbert at Ashton Farms Custom Meats for lunch. Later, they toured the Topaz Museum and attended the Millard County Fair where they cooked hamburgers. Governor Herbert then attended the Republican Convention held in Delta that evening.

Commissioner Roper said it was very fortunate to have Governor Herbert spend the day in Millard County.

Commissioner Roper said he went to a Governors Rural Partnership Board meeting. He said Auditor Grace made a great presentation at the meeting and Millard County is well represented on that board.

Commissioner Roper said he went on the Association of Government (AOG) Legislative Ride in Sanpete County Tuesday, August 11, 2015.

Commissioner Roper said that Doris Brown, who lives at the Delta Manor, contacted him and asked to have a meeting with the commissioners.

Commissioner Withers will schedule a meeting with Ms. Brown.

Commissioner Withers met with Governor Herbert Friday, August 14, 2015, in Salt Lake City, with all of the County Commission Chairman in the State. He said Governor Herbert discussed public lands and centrally assessed property. Overall it was a good meeting.

Commissioner Withers said he and Commissioner Draper attended the Hinckley Lions Club

Appreciation Dinner last week. He then expressed his appreciation to the volunteers at the Hinckley Lions Club and in the County.

Commissioner Withers said he received a bill from Sounds Unlimited in the amount of \$6,200.00, for work done at the County Satellite Offices in Delta; which included, installing new locks on the Attorney's Office doors and an upgrade to the alarm system for the entire building. Policy requires that anything over \$5,000.00 be bid out.

Attorney Finlinson recommended to have Sounds Unlimited breakdown the invoice into the three different projects, since it seems they are lumping them all together.

Commissioner Withers will talk to Kevin Morris, West Maintenance, about getting the invoice corrected.

Commissioner Withers said an invoice was received from American Lands Council in the amount of \$5,000.00. This was an already approved agenda item, therefore, payment will be sent.

Commissioner Withers expressed his appreciation to Commissioner Roper and the Millard County Fair Committee. The Millard County Fair was a great success. The attendance was good and it was very enjoyable.

Commissioner Roper expressed his appreciation to Betty Jo Western and all the volunteers that made it such a success.

Attorney Finlinson said he received notice of a communications tower application from the Union Pacific Railroad for wireless communications. He does not find any reason to oppose this request.

Commissioner Roper said that LuAnn Adams, Commissioner of Agriculture & Food, asked all Counties to send her any pictures or stories that she can use for a display on the history of Agriculture in Utah.

Commissioner Draper will address this item.

Mr. Whatcott said that Randon Dyreng was helping him with Recreation at night, but Mr. Dyreng now has a job in Richfield. He asked if there was a step and grade position on the East side of the County for Recreation, since he now is in need of help.

Commissioner Roper suggested that Mr. Whatcott have Jer'e Brinkerhoff help at night.

Mr. Whatcott said he has asked Mr. Brinkerhoff, but he is unable to help. Mr. Whatcott said that he needs someone who can help with concessions, line up games and help supervise the games at night. He said Mike Roberts is willing to help, but he already gets 29 hours as a County employee. The commissioners want to keep Mr. Roberts at only 29 hours.

Auditor Grace said there is a part-time Night Supervisor position available on the step and grade scale.

Commissioner Roper suggested that Mr. Whatcott have Mr. Brinkerhoff help for a few weeks and then look into the possibility of advertising for a Night Supervisor position in the future.

Clerk Rowley received a letter from the Lieutenant Governor's Office indicating that there

is grant money available to help bring polling precincts ADA compliant. She said that she and Sheri Newton, Disability Law Center, visited all but three polling locations. They found that several of the polling locations had some issues that needed to be addressed.

Clerk Rowley said that the grant money will be funded at 100% with no matching funds needed. However, the County would have to fund each project up front; once the project is complete the County will be reimbursed with the grant money.

Later, Clerk Rowley said she will get two bids for the projects and will apply for the grant from the State. At that time, she will have an amount and will visit with Auditor Grace about increasing her budget to accommodate the projects until reimbursement is received from the State.

Commissioner Roper asked for an update on construction at the Main Street Courthouse.

Treasurer Dearden said the Auditor's Office is currently under construction and the crew anticipates laying carpet August 25, 2015. Once the Auditor's Office is complete, the crew will start on the Treasurer's Office and then the Recorder's Office.

Attorney Finlinson said the Building Authority is now registered and the County is on track to get its money back from the construction of the Public Health Building in Fillmore.

Auditor Grace said the Road Department will be receiving \$81,000.00 from the BLM for the road by Gandy. There will be a need to increase the Road Department's budget to allow for those expenditures. She said Sheriff Dekker will also be receiving a \$55,000.00 Search and Rescue Grant. Therefore, the Sheriff's Office budget will also need to be increased. The Weed Department will receive a grant for \$10,000.00 from the State and that budget will need to be increased as well.

Auditor Grace said the budget will have to be opened at the end of the year anyway, because of the additional new growth and revenue coming in. She recommended to wait until the end of the year to open the budget, when she will have a better idea of where it will be. She is requesting approval from the commission today to give the go ahead to those three departments to start moving on their projects.

Commissioner Roper made a motion to accept the grants for the Road Department in the amount of \$81,000.00, the Sheriff's Office in the amount of \$55,000.00 and the Weed Department in the amount of \$10,000.00 and allow those offices to move forward on their projects. The budget will be opened at the end of the year to allow expenditures for these projects.

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

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

There was none.

#### POSSIBLE REVIEW OF COUNTY POLICIES AND CONTRACTS

There was none.



POSSIBLE CLOSED MEETING PURSUANT TO UTAH CODE ANNOTATED SECTION 52-4-4&5

There was none.

WHERE UPON THE MEETING ADJOURNED

Commissioner Draper made a motion to adjourn the meeting.

Commissioner Roper SECONDED the motion. The voting was unanimous and the meeting adjourned at 11:55 p.m..

Attest: \_\_\_\_\_

Approved: \_\_\_\_\_