

MINUTES OF BOARD OF COUNTY COMMISSIONERS  
MILLARD COUNTY THE 2nd DAY OF MARCH 2010  
AT THE COURTHOUSE, FILLMORE, UTAH

PRESENT: Daron P. Smith..... Chairperson  
Kathy Y. Walker. .... Commissioner  
Bart A. Whatcott. .... Commissioner  
  
Richard Waddingham ..... County Attorney  
Norma Brunson ..... County Clerk  
Marki Rowley. .... Deputy County Clerk

ALSO PRESENT: Dean Draper..... Chronicle Progress  
Connie Hansen . .... County Recorder  
Kevin Draper . .... US Forest Service  
Wayne Jackson . .... American Legion  
Gayle Bunker . .... Delta City Mayor  
Steve Frampton . .... Steves Tire and Oil Inc.  
Bruce Curtis . .... Delta City  
Rob Greenburg . .... Hill Brothers Chemical  
Craig Prete . .... Dirt Busters Inc.  
Derrell Owens . .... Millard County Building and Safety  
Randle Brunson . .... Citizen  
Mike Barney . .... Citizen  
Bryan Anderson . .... Citizen  
Von Allred. .... Citizen  
Tom Nielson.. .... Citizen  
Brandy Grace. .... County Auditor  
John Hansen. .... County Treasurer  
Pat Manis. .... County Assessor

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, 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 Smith to the public and Commission members.

OPENING STATEMENTS

Commissioner Smith asked if anyone had an opening statement to give. Commissioner Walker read a quote from, Winston Churchill. "Never give in--never, never, never, never, in nothing great or small, large or petty, never give in except to convictions of honor and good sense." Commissioner Whatcott said the invocation. Everyone stood and said the Pledge of Allegiance to the Flag.

#### RATIFY THE MOTION TO APPROVE A PURCHASING CARD FOR AUDITOR GRACE TO PAY INVOICES THAT COME DUE BEFORE OR AFTER THE NORMAL ACCOUNTS PAYABLE PROCESS

Commissioner Walker made a motion to ratify the approval of a purchasing card that will not exceed \$20,000 for Auditor Grace to pay invoices that come due before or after the normal accounts payable process.

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

#### DISCUSSION AND POSSIBLE APPOINTMENT OF A PLANNING AND ZONING REPLACEMENT FOR PAULA CHRISTENSEN

Commissioner Smith said that he has talked to a few people who may be interested in this position, but has not heard back from everyone yet.

Commissioner Whatcott made a motion to table this item.

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

#### DISCUSSION AND POSSIBLE APPOINTMENT OF A JOHN HANCOCK PLAN TRUSTEE AND ADMINISTRATOR

Commissioner Walker made a motion to table this item.

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

#### DISCUSSION AND POSSIBLE APPROVAL OF A BUSINESS LICENSE FOR PRINTED XPRESSIONS AND GRAPHICS- OWNER CHRISTY L.D. FINLINSON

Printed Xpressions and Graphics submitted a business license application for a printing and graphics design and photography shop. After a review of the business license application and finding all the signatures in order, Commissioner Walker made a motion to approve the business license for Printed Xpressions and Graphics.

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

## DISCUSSION AND POSSIBLE APPROVAL OF A CELL PHONE ALLOWANCE FOR COUNTY ASSESSOR PAT MANIS

Commissioner Smith explained that elected officials are allotted a cell phone allowance which is based on the amount of use required by that position.

Commissioner Whatcott made a motion to approve a cell phone allowance of \$60 a month for Assessor Pat Manis.

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

## INTRODUCTION OF THE NEW ACTING DISTRICT RANGER (FOR THREE MONTHS) KEVIN DRAPER

Kevin Draper, Acting District Ranger, said that he will be the acting district manager for a three month period. He has taken over the position of Mel Bolling who transferred to the Richfield office. At the end of the three month period a permanent replacement will be appointed. At that point Mr. Draper will inform the Commission of who that will be.

Mr. Draper said that he wanted to clarify some information that was broadcasted over the radio regarding the forest service not working with the state and local government. He said that the agency as a whole is putting together a plan rule, which has to do with the new administration coming in. The Obama Administration has put out a notice of intent in the federal register that they are going to work on a new planning rule. As part of the planning process the forest service will work with the state and local government as well as with the public. The Nation Wide Environmental Study will be a slow moving process.

Mr. Draper said that he would be willing to answer any questions at any time and gave the commissioners his contact numbers.

Commissioner Whatcott asked that the forest service give an update on a quarterly basis of the planning process and anything else that needs to be updated. The date for the first update was set for June 1, 2010.

## DISCUSSION AND POSSIBLE APPROVAL OF RENEWING A SURVEY CONTRACT WITH SUNRISE ENGINEERING - CONNIE HANSEN

Recorder Connie Hansen presented a map that shows what areas have been proposed to be worked on. She also presented a contract between Sunrise Engineering and Millard County for the commissioners to review and sign. She said that the new contract is an extension of the previous contract. If any corners are set, the county will be charged a small price for the caps, the cost of the plats and for similar things.

Recorder Hansen received an email from the state, listing the qualifications required for receiving Cadastral Grant Program money. The email also stated that the amount of the grant was

increased to \$27,200 with a county contribution of a 20% match. Recorder Hansen will send a copy of this information to the auditor's office.

Commissioner Walker made a motion to approve a new survey contract with Sunrise Engineering.

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

## REVIEW OF DISCLOSURE STATEMENTS

Disclosure Statements were submitted from the following employees:

Klint Penney  
John Hansen  
Sheri Dearden  
Stacy Dean  
Lynette Madsen  
Brandy Grace

## RESOLUTION 10-03-02, A RESOLUTION TO ADOPT A STANDARD COOPERATIVE AGREEMENT FOR UTAH STATE UNIVERSITY (USU) EXTENSION WORK

A resolution is not necessary for this specific agreement so the commission chair would just need to sign the agreement with USU.

Commissioner Walker made a motion to sign the Standard Cooperative Agreement for USU Extension Educational Work - 2010.

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

## OPENING OF THE ROAD DEPARTMENT TIRE BIDS

Auditor Grace said that she wanted to clarify that all sealed bids were received by 5:00 p.m. Friday, February 26, 2010.

Dust Busters, Inc., Evanston, WY; Desert Mountain Corporation, Kirtland, NM; and Hill Brothers Chemical Co., Salt Lake City, UT submitted sealed bids for Mag Chloride.

Auditor Grace opened each bid and Attorney Waddingham put the bid information on the board for the commissioners to review.

Commissioner Whatcott made a motion to accept the bids as opened and review the bids with the county road supervisor to come up with the best value for the county.

Commissioner Walker **SECONDED** the motion. The voting was unanimous and the motion carried. *(The opened bids are on file and available for review at the clerk's office.)*

Intermountain Farmers, Delta, UT; Trav'z Tire & Repair, Delta, UT; Tire Distribution Services (TDS), Salina, UT; and Quality Tire Company, Orem, UT submitted sealed bids for tires. Auditor Grace opened each bid and Attorney Waddingham put the bid information on the board for the commissioners to review.

Commissioner Walker made a motion to accept the bids as opened and to review the bids with the road department to come up with the best value for the county.

Commissioner Whatcott **SECONDED** the motion. The voting was unanimous and the motion carried. *(The opened bids are on file and available for review at the clerk's office.)*

## PUBLIC INPUT

Dean Draper, Millard County Chronicle Progress, said that the Nevada Supreme Court Special Session ended at 2:16 a.m. Monday, March 1, 2010 without taking action on the "fix it" legislation to allow Southern Nevada Water Authority (SNWA) to retain its priorities for water applications in Snake Valley.

They sent a directive to the state engineer to move as quickly as possible so they can prepare for another special session at which it will be addressed. The state engineer was to compile all the data that he could from all the stake holders that would have been affected from 1947 to 2003 by the supreme court ruling in January.

The language in the legislature's motion of intent to legislate, commented that it wouldn't be fair to deprive SNWA of its applications, but also wouldn't be fair to deprive everyone else the chance to protest. Mr. Draper said that the language shows to him intent from the Nevada Legislature to let SNWA keep its applications even though they were voidable because they were not acted on in a year's time. SNWA refiled their applications the next day after the supreme court decision on January 29, 2010.

Rumor has it that there will be another special session within 30 days. Mr. Draper believes that the protests should be handed in before April 15, 2010.

Red Rock Wilderness has been proposed in congress over the last 10-20 years and has failed to come up for a vote which would include a vast amount of Millard County as that bill is written. The Obama Administration had a leak, in which they were looking to declare national monuments in several states. The Red Rock Wilderness needs to be looked at carefully because they might take that into the declaration and if they did, it would take in just about one sixth of Millard County.

Commissioner Whatcott later said that the commissioners are aware of the wilderness issue and are working with Congressman Chaffetz's office. There is a tentative meeting planned for March 10, 2010. The commissioners are planning on visiting with them about a lot of issues and are hoping to be heard loud and clear at the meeting in Washington next week.

## DISCUSSION AND CLARIFICATION ON CERTAIN TOPICS DEALING WITH BUILDING PERMITS, FEES AND FINES

Commissioner Smith said that the county does not currently have an ordinance in place for

anything that deals with the fees and or fines for not getting a building permit. There is question as to what constitutes a building permit. Commissioner Smith offered a copy of the codes to those who wanted to review it. Commissioner Smith read the building code regarding permits. Section 105.1 entitled "Required," states: "Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit."

Derrell Owens, County Building Inspector, said that if someone was to buy a home and wants to remodel the home, as long as they do not do anything with the electric or plumbing and will not be changing the structure of the home, they would not need the building permit. If they decide they want to upgrade the plumbing or move the plumbing around then they would need a plumbing permit. If they want to upgrade or move the electrical then they would need an electrical permit. If they are not doing anything with the structure of the home they would not need the building part of the permit.

A property owner is allowed to build up to a 120 sq. ft. detached accessory building without a permit. When the 2009 code is adopted in July the allowable accessory structure without a permit will go up to 200 sq ft.

Delta City Mayor Bunker said that there is a lot of gray areas dealing with building permits. He feels that there should be posted uniform requirements throughout the county to make county residents knowledgeable as to when a building permit is needed.

Commissioner Smith suggested that a meeting be set up to help make this information consistent and available to the public.

Von Allred, Randall Brunson, Tom Nielson and Mike Barney spoke of their opinions of the building permit and its requirements. Each expressed his opinion or concern and made several good points.

After hearing discussions from each speaker Commissioner Smith said that the county will hold a meeting in the future and try to come up with a fee schedule that will be fair and reasonable when someone does not comply with the building permit ordinance once it is adopted.

Commissioner Smith also suggested to put something in the paper and or send out a mailing, informing contractors of the new building codes. Randall Brunson said that this type of thing is already being done and classes are offered throughout the year for contractors to familiarize themselves with updated building codes.

The Commissioners will take all comments and concerns into consideration when making a decision. *(A recording of this discussion in its entirety is on file for review at the clerk's office.)*

## OTHER BUSINESS

Commissioner Smith said that County Attorney Waddingham needs a cell phone allowance approved.

Commissioner Walker made a motion to approve an \$80 a month cell phone allowance for County Attorney Waddingham.

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

Randall Brunson asked the commissioners if they would be open to leasing a piece of county property to him for a private business. The commissioners said that they would like to discuss this further and asked that Mr. Brunson come back to the April 6, 2010 Commission Meeting.

Clerk Norma Brunson stated that the filing dates for candidacy are Friday, March 12, 2010 through Friday, March 19, 2010.

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

Commissioner Whatcott reported that he attended a meeting with the Farm Service people in Fillmore. It was hosted in part by Trent Wilde, County Ag Agent. They talked about the grasshopper forecast, different applications (paperwork) mapping requirements and county involvement. There is going to be a public meeting on the 10<sup>th</sup> of March. Time and place to be announced later.

Commissioner Whatcott attended the legislative meeting on Capitol Hill regarding the driver license office being taken out of Fillmore. He strongly encouraged the board to consider the impact this will have on residents in and around the Fillmore area. He presented what he felt would benefit the driver licence division and its office. The driver licence division is currently looking at an office building in Fillmore. With budgets being cut it will be a difficult decision. After attending the meeting, Commissioner Whatcott realized that there are many more pieces to this situation.

Commissioner Whatcott attended an ATV planning meeting. The jamboree planning is going well and is a little ahead of where it was with planning at this time last year. The committee reimbursed \$5,589.00 to the county.

Commissioner Whatcott attended the benefit concert and dinner for Josie Fox. It was well put together and a good time was had by those who attended.

Commissioner Whatcott attended a CPR class that was sponsored by the National ATV Jamboree and the Sand Rock Ridge Riders ATV club. It was designed to benefit those who guide rides during the jamboree. It is also a benefit to have an increasing number of people in the county who are CPR certified. He would like to thank Charity Tingy and UnaRae Taylor for their involvement and for teaching the class.

Commissioner Walker reported that she attended the mental health meeting in Richfield, Utah where they reviewed the financial information and the audit. Right now Central Utah Mental Health is in stable financial condition. All three commissioners met with IPA officials to discuss a possible agreement on IPP's value.

Commissioner Smith reported that he attended a Utah Association of Counties (UAC) legislative meeting on February 18, 2010. After that meeting Commissioners Smith and Whatcott, Auditor Grace, Treasurer Hansen and the school board representatives met with IPA to talk about

the potential for renewing the Tax Settlement Agreement.

On March 1, 2010 Commissioner Smith attended the road department's safety meeting. Later, Commissioners Smith, Walker and Whatcott met with officials from IPA at the IPP site where they were given a tour of the facility and had a lunch meeting to continue negotiations.

Commissioner Smith reported that all three commissioners will be in Washington, DC from Thursday, March 4, 2010 through Thursday, March 11, 2010.

#### APPROVAL OF FEBRUARY 2, 2010 COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held February 2, 2010 were presented for consideration and approval. Following review and consideration of minor corrections Commissioner Walker made a motion to approve the minutes of February 2, 2010, as corrected.

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

#### APPROVAL OF FEBRUARY 16, 2010 COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held February 16, 2010 were presented for consideration and approval. Following review and consideration of minor corrections Commissioner Whatcott made a motion to approve the minutes of February 16, 2010, as corrected.

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

Commissioner Whatcott made a motion to recess for lunch.

Commissioner Walker SECONDED the motion. The voting was unanimous and the motion carried. The meeting recessed at 1:03 p.m..

#### NOON LUNCH BREAK

Commissioner Walker made a motion to reconvene the meeting.

Commissioner Whatcott SECONDED the motion. The voting was unanimous and the motion carried. The meeting reconvened at 2:08 p.m..

#### AUDITOR'S REPORT

Because of concerns that have been mentioned relative to county bidding practices, Auditor Grace suggested that prior to advertising for sealed bids, there should be a procedure that allows for review by all offices or departments involved. The commission should be aware of the request for sealed bids. It would be beneficial if the county attorney were able to review the notice prior to publication and the clerk was properly notified for scheduling the bid openings on the agenda.

It was suggested that a bid form be developed for each request and require each bidder to submit their bid on the county provided form to the auditor. The commission agreed with this



suggestion and will send a memo to all offices/departments.

Auditor Grace presented the check edit of February 26, 2010 for the commissioners to review and sign.

Auditor Grace received an invoice from UAC for the 4<sup>th</sup> quarter centrally assessed litigation fee in the amount of \$5,578.94.

Auditor Grace said that Assessor Pat Manis would need a purchasing card.

Commissioner Walker made a motion to approve a purchasing card for County Assessor Pat Manis in the amount of \$3,000.

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

Auditor Grace reported on her appointment to the Multi-County Appraisal Trust Board (MCAT). She discussed the legislation for the Computer Assisted Mass Appraisal (CAMA) project. She was placed on the budget subcommittee for MCAT and then appointed to the executive committee for MCAT. It was estimated that they will receive about \$1.2 million per year.

Only about \$400,000 has been disbursed from the State Auditor's Office. They are currently trying to figure out what counties have not submitted their payments to the State Auditor's Office. The money should go to the State Auditor and then be submitted to MCAT from there.

There are two committees developing scenarios for implementing a CAMA system state wide; the implementation committee and the budget committee. The goal is to have all counties on board by the year 2015. There are a few issues that still need to be worked through. The MCAT committee will meet again on Thursday, March 4, 2010.

#### POSSIBLE APPROVAL OF HARDSHIP ABATEMENT APPLICATIONS

There were none.

#### POSSIBLE BOARD OF EQUALIZATION (BOE) DISCUSSION AND OR ACTION

There was none.

#### TREASURER'S REPORT

Treasurer Hansen said that someone talked to him about doing salvage at the Fillmore landfill. Commissioner Walker said that the person would need to talk to Sheryl Dekker, County Planner. Ms. Dekker would then talk with the Commissioners.

Treasurer Hansen presented the commissioners with a copy of the tax collections received by the Treasurer's Office for the month of February.

OTHER

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

Commissioner Walker made a motion to go into a closed executive session to discuss reasonably imminent litigation.

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

After the closed executive session the regular meeting reconvened at 3:35 p.m..

Commissioner Walker made a motion to amend the purpose of going into a closed session to include, in addition to the strategy session on reasonably immanent litigation, to discuss commercial information as defined by the revenue taxation code.

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

WHERE UPON THE MEETING ADJOURNED

Commissioner Walker made a motion to adjourn the meeting.

Commissioner Whatcott SECONDED the motion. The voting was unanimous and the meeting adjourned at 3:37 p.m..

WORK SESSION

There was none.

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

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