

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 1st DAY OF MAY 2012
AT THE COURTHOUSE, FILLMORE, UTAH

PRESENT: James I. Withers..... Chairperson
Bart A. Whatcott. Commissioner
Daron P. Smith..... Commissioner

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

ALSO PRESENT: Ron & Georgia Hare Citizens
Brian Whipple & Farrel Marx Central Utah Counseling Center
Bruce Costa Central Utah Public Health Department
Trent Wilde SUU
Brandy Grace County Auditor
John Hansen County Treasurer

Note: Not all agenda items were followed in order.

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 Smith read a quote from Thomas Jefferson: “The glow of one warm thought is to me worth more than money”. Commissioner Whatcott said the invocation. Everyone stood and said the Pledge of Allegiance to the Flag.

APPROVAL OF APRIL 17, 2012 COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held April 17, 2012 were presented for consideration and approval. Following review and consideration of minor corrections,

Commissioner Whatcott made a motion to approve the minutes of April 17, 2012, as corrected.

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

AUDITOR'S REPORT

Auditor Grace asked if Commissioner Whatcott was able to find out anything regarding the invoice for \$100.00 from Panaramaland RC&D, which she presented a few commission meetings ago. Commissioner Whatcott was unable to get a hold of anyone with Panaramaland RC&D but he will try before the meeting is over.

Later, Commissioner Whatcott said that he contacted Dave Pace regarding the invoice from Panaramaland RC&D for \$100.00. Mr. Pace assured him that the economic development the county will receive is valued well over the \$100.00 they are asking the county to pay.

Commissioner Whatcott made a motion to support Panaramaland RC&D in the amount of \$100.00.

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

Auditor Grace discussed the Jr. Livestock Show. She said that a few years ago the commission made it a requirement that certain entities submit receipts in order to receive reimbursement.

She said that last year the Jr. Livestock Show never submitted any receipts, therefore, it did not receive any reimbursement from the county. The county assumed since it did not ask for reimbursement last year it would not need any money this year. Therefore, the county did not budget any money for them this year.

Auditor Grace recently received a request for payment from the Jr. Livestock Show for this year. Auditor Grace said that she has two concerns with this request. There has not been any receipts for proof of purchases submitted and the county did not budget for the \$8,000.00 in this year's budget. She asked for direction from the commissioners on how she should handle this situation.

Commissioner Withers said that he has had several meetings with the Jr. Livestock Show and they would like to continue to receive that money from the county.

Commissioner Withers said that he will talk to the Jr. Livestock Show at his meeting with them tonight. He will remind them that in order to receive reimbursement they would have to submit receipts for purchases. He will get back with Auditor Grace after his meeting.

Auditor Grace and the commissioners discussed vehicles and other items that could go to surplus. Commissioner Withers asked Auditor Grace to get a list of vehicles that need to go to surplus.

Commissioner Withers said that the county received a letter from Jean Smith regarding her

property taxes.

Commissioner Smith presented the history of Ms. Smith's taxes and the letter she sent to the county.

Auditor Grace requested to go into a closed session.

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

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

Commissioner Whatcott **SECONDED** the motion. The voting was unanimous and the motion carried. Present in the closed session were Clerk Norma Brunson, Commissioner Daron Smith, Commissioner James Withers, Commissioner Bart Whatcott, Attorney Richard Waddingham, Deputy Clerk Marki Rowley, Auditor Brandy Grace and Treasurer John Hansen.

After the closed executive session the regular meeting reconvened at 11:04 a.m..

Commissioner Smith said that Ms. Smith's property will remain on the tax sale until the commission can find out more information. This item will be revisited at the next commission meeting.

Auditor Grace said that an issue has come up a couple of times regarding the usage of sick leave. The policy states that in order for an employee to qualify to use sick leave it has to be used for immediate family members, as defined in the family medical leave act. There have been some situations where employees are using sick leave to take care of grandchildren. Vacation time should be used for those kinds of circumstances. The commission stated that the policy is what it is.

Auditor Grace said that the ambulance building project is near completion with a total cost of \$406,689.38. The county has received both grant reimbursements which total \$320,000.00. Millard County's portion after grant money received was \$86,689.38. Millard County budgeted \$60,000.00 of in kind, which was the land and a cash portion of \$20,000.00. The amount spent included the adjustments made to the sewer lines and some other things. This amount does not include landscaping.

It was discussed that Alan Roper would redo the curb and gutter. Commissioner Whatcott will call him to verify.

Auditor Grace said that there was a discussion regarding beer tax funds at the UAC Conference. She said that the reports need to be filed by October 1, 2012 or the county will lose its funding for the next year.

Commissioner Smith said that there is a current agreement with the cities who receive part of that money. Auditor Grace said that there were some changes made, so the cities will no longer be receiving that money.

POSSIBLE APPROVAL OF HARDSHIP ABATEMENT APPLICATIONS

There was none.

POSSIBLE BOARD OF EQUALIZATION (BOE) DISCUSSION AND OR ACTION

Commissioner Smith made a motion to enter into a BOE.

Commissioner Whatcott **SECONDED** the motion. The voting was unanimous and the motion carried. The BOE began at 11:09 a.m..

Auditor Grace said that she sent letters to all the taxpayers who are currently receiving an exemption, reminding them that all persons or entities receiving an exemption are required to send an annual re-certification indicating the intended use of the property. The letter stated that if they did not respond by April 30, 2012 the exemption may be revoked. She has not received responses back from the International Church of the Four Square Gospel, the People of McCornick, and the Presbyterian Church of Utah.

Auditor Grace said that they will be finishing up the assessment roll in the next few weeks so the commission will need to make a decision on these properties. The commission asked if Auditor Grace would follow up with some names and addresses and the commissioners will try and get a hold of the churches.

Commission Smith made a motion to close the BOE.

Commissioner Whatcott **SECONDED** the motion. The voting was unanimous and the motion carried. The BOE ended at 11:11 a.m..

OTHER

Commissioner Smith made a motion to switch the agenda around.

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

INDEPENDENT AUDIT CENTRAL UTAH CANCELING CENTER - BRIAN WHIPPLE AND FARRELL MARX

Ferrel Marx and Brian Whipple presented a clean audit for the year ending June 30, 2011. Mr. Marx went over assets, liabilities, net assets, revenues and expenditures. The only negative finding in the audit process was in testing of cash receipts, due to one out of twenty-two deposits being deposited more than three days after receipt. Mr. Marx explained the dilemma with smaller sites and not being able to deposit every day.

Mr. Whipple discussed services to individuals in the county jail. They get audited every year from the State Division and they review the mandated services the county has to provide. In the last audit they focused on services to inmates in the county jails. That is one of the mandated services that the local authority is to oversee and assure that county inmates are receiving mental health and

substance abuse treatment in the county jail. The commissioners of each county are the local authority by state statute.

Mr. Whipple said that he knows that the sheriff contracts with private providers to provide mental health and substance abuse services in the county jail.

They also discussed beer tax and said that what money the Central Utah Counseling Center received from beer tax was given back to the jail based on an agreement that they would give the county jail the money and the jail would pay for its own substance abuse.

They discussed having a meeting with the commission and the sheriff at a later date.

DISCUSSION REGARDING MORMON CRICKETS -TRENT WILDE

Trent Wilde, USU, said that the Mormon Crickets have arrived. He said that the Dept of Agriculture; Klint Berfate, State Entomologist; and Greg Abbot, USDA Affis, have been out over the past month or so surveying the counties to see what counties have a Mormon Cricket problem.

Millard County has an area just west of the Kanosh exit which is really thick with Mormon Crickets. He said that the federal people have moved forward on a project to spray about 8,000 to 10,000 acres in that area. He said that the private property owners would also need to spray so that the spraying will be effective on both the private and federal lands.

Mr. Wilde said that they will be spraying approximately 25,000 acres near the Kanosh exit. The spray they will be using is called Denlin, which is a growth inhibitor that stops the shell of the cricket from growing.

The last major spraying was done back in 2004. There was a small outbreak last year on some BLM land. They are hoping to get on top of the situation quicker this year. They will begin spraying this week and will continue into next week.

Mr. Wilde said that Plan B is to provide the cricket bate at a 50/50 cost share basis. The Department of Agriculture will pay half and are asking the private land owners to pay the other half. They have already made that bate available.

Mr. Wilde said that the State would like the County to purchase the bate for \$2,000.00 up front and then sell it to the private land owners.

Commissioner Smith said that the County has budgeted for this in the past and should have some money in this year's budget in Fund 22 under Special Projects for emergencies. He suggested that Mr. Wilde get with Thayne Henrie to use what bate he has left over from past years.

Commissioner Whatcott made a motion to fund the cricket bate program in the amount of \$2,000.00.

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

Mr. Wilde said that there is a possibility that the county could be facing an agricultural emergency in the future because of crickets which would require some wide scale spraying. This was coordinated with the Utah Department of Agriculture.

Mr. Wilde said that the State has requested some help in spreading the bate. Mr. Wilde will be involved in that and was wondering if he could recruit some county employees. He suggested that

he might ask Terry Scottern, Weed Supervisor, and some of his help.

They are wanting a couple of people who could help off and on for about a month. Commissioner Withers said to keep the commission posted.

DISCUSSION AND POSSIBLE APPROVAL ON UNIVERSITY OF UTAH (U of U) SCHOLARSHIPS FOR ALCOHOLISM AND OTHER DRUG DEPENDENCIES SUMMER SCHOOL - GEORGIA HARE

Georgia Hare received a letter from the U of U authorizing her to ask for matching funds for scholarships to its summer school. She has not received the books but will provide the website for the commission to look it up.

Commissioner Withers clarified that the request will be for \$570.00 which will cover two scholarships. Ms Hare said that she would like the commission to fund half of four scholarships since the outlining towns do not have funding.

Commissioner Whatcott made a motion to approve funding 50% of four U of U scholarships for alcohol and other drug dependancies summer school in the amount of \$1,140.00.

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

OTHER

Assessor Manis said that he has an employee who is needing a hip replacement. She will be out of the office for approximately four to eight weeks. The Assessor's Office is now training part time employee Kalie Maxwell to fill in during the surgery and recovery period. This may necessitate Ms. Maxwell to work more hours this year than was originally anticipated. He asked for the commission's approval to have Ms. Maxwell take over the duties until the employee is able to return. The commission approved his request.

RATIFY THE MOTION TO TRANSFER \$250,000.00 FROM THE LANDFILL FUND BALANCE TO A RESERVE ACCOUNT FOR THE PURPOSE OF POST CLOSURE FEES ASSOCIATED WITH THE DELTA LANDFILL SITE

Commissioner Smith said that the State got back to Sheryl regarding the Delta landfill and was okay with the county's plan that was discussed at the last commission meeting.

Commissioner Smith made a motion to ratify the transfer of \$250,000.00 from the landfill fund balance to a reserve account for the purpose of post closure fees associated with the Delta landfill site.

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

RATIFY THE APPOINTMENT OF COMMISSIONER WHATCOTT AS A TRUSTEE FOR THE MILLARD COUNTY 401K PLAN

Commissioner Smith made a motion to ratify the appointment of Commissioner Whatcott as a trustee for the Millard County 401K plan.

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

DISCUSSION AND POSSIBLE APPROVAL OF A STATE COURT CONTRACT

Clerk Brunson said that this contract is basically the same as last year, other than the State increased the lease payment by \$0.11 and raised the salaries by a small amount.

Commissioner Smith made a motion to approve the State Court Contract for the Fourth District Court.

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

DISCUSSION AND POSSIBLE ADOPTION OF RESOLUTION 12-05-01, A RESOLUTION TO SUPPORT TWO SOIL CONSERVATION DISTRICTS IN MILLARD COUNTY

Commissioner Whatcott visited with a few of the Soil Conservation District Board Members.

He had a very good feeling about supporting the Conservation Districts' position.

Commissioner Whatcott made a motion to adopt Resolution 12-05-01, a resolution of the Board of County Commissioners of Millard County, Utah supporting the continuance of two conservation districts in Millard County Utah.

Commissioner Smith SECONDED the motion. Clerk Brunson called for a roll call vote. Commissioner Smith voted YES. Commissioner Whatcott voted YES. Commissioner Withers voted YES. The voting was unanimous and the motion carried.

BID OPENING FOR RESURFACING OF THE PARKING LOTS FOR THE PUBLIC SAFETY COMPLEX

Commissioner Whatcott made a motion to table the bid opening

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

REVIEW OF THE ROAD CONDITION REPORT FOR UNEV PETROLEUM PIPELINE AND DISCUSSION AND POSSIBLE APPROVAL OF UNEV'S COMPLIANCE WITH THE ROAD MAINTENANCE AGREEMENT WITH MILLARD COUNTY

Commissioner Smith made a motion to strike this agenda item.

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

OTHER BUSINESS

Attorney Waddingham said that the deadline is approaching for protesting the Peak Minerals applications to appropriate water. He told the commissioners that they could check the record on the State Engineer's website to determine who files a protest. He does not know how quickly the protests are placed on the website once received by the Division of Water Rights (Division).

Commissioner Smith questioned if the applications filed were the same as the applications Peak Minerals previously filed or if there were any differences because the county protested one of the earlier applications.

Attorney Waddingham said it is his understanding that Peak Minerals withdrew one application, but he is unsure. Some applications were for deep water and the others were for surface water. They are fixed time applications which means they only have the right to use the water for a temporary or fixed period of time.

He just wanted to raise this issue again because Steve Styler, an attorney employed by his firm, does some work for Peak Minerals.

Commissioner Smith asked if the county should protest these applications again. He asked if the county waits until the last day and no one else files a protest would the county still need to file.

Attorney Waddingham said that a protest is considered filed when it is received and stamped at the Division's Office so the county would need to have enough time to get it filed. The deadline to protest is May 8, 2012.

Commissioner Whatcott said that he would support protesting it because that is what they have always done. Commissioner Smith said that the problem with the county protesting is that protesters will use the commission's protest as ammunition in saying that the county is opposed to it, but that is not the case. The county is in favor of them doing it in an environmental way. Also, Peak Minerals will be subject to a conditional use permit.

Attorney Waddingham reminded the commission that they can get a separate legal opinion. Commissioner Smith will look into this further and will get back to Attorney Waddingham.

Commissioner Withers said that he would like a copy of Resolution 12-05-01 regarding the Soil Conservation Districts to be sent to Mike Mower, Deputy Chief of Staff to Governor Herbert; Leonard Blackum, Commissioner of Utah Department of Agriculture; Dave Pace, Zone Coordinator Soil Conservation District; and Senator Ralph Okerland.

Commissioner Smith made a motion to recess for lunch.

Commissioner Whatcott **SECONDED** the motion. The voting was unanimous and the motion carried. The meeting recessed at 12:15 p.m..

NOON LUNCH BREAK

WORK MEETING; PRESENTATION BY BRUCE COSTA, PUBLIC HEALTH EXECUTIVE DIRECTOR

The commission had a work meeting where Bruce Costa, Public Health Executive Director, gave a presentation on health issues.

Commissioner Smith made a motion to reconvene the meeting.

Commissioner Whatcott SECONDED the motion. The voting was unanimous and the motion carried. The meeting reconvened at 2:07 p.m..

PUBLIC INPUT

There was none.

DISCUSSION REGARDING MISS MILLARD

Commissioner Smith said that the Director of the Miss Millard Program has had some issues come up that will cause her not to be able to focus her attention on Miss Millard. Commissioner Smith called former Commissioner Kathy Walker because she worked with Miss Millard in the past. In her opinion she felt that it would be too late in the season to put on a good quality program.

Based on the participation from last year with only two participants being interested in Miss Millard, Commissioner Smith recommended not to have a Miss Millard Pageant this year and plan to pick it back up next year.

Commissioner Smith said that the county budgeted some money for the Miss Millard Pageant and suggested that if a young lady was interested in participating in the Miss Utah Pageant, the county would sponsor them.

Commissioner Smith made a motion to cancel the 2012 Miss Millard Pageant and to possibly sponsor a few young ladies who would be interested in participating in the Miss Utah State Fair to represent Millard County by paying their entry fee for the year 2012.

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

TREASURER'S REPORT

Treasurer Hansen said that at the last commission meeting he discussed the notice of default and election to sell on Red Rock Specialty Cheese Co. He asked if the commission has heard anything further regarding this. The commission has not heard anything other than what Treasurer Hansen presented at the last commission meeting.

Treasurer Hansen said at the last commission meeting the commission asked him to send a letter to Mani Grewal regarding the verbal agreement Mr. Grewal made with the county on his delinquent property taxes.

Treasurer Hansen presented that letter to the commission for approval. The agreement referred to in the letter is as follows: Mr. Grewal agreed to pay the 2011 taxes current on all three parcels by May 31, 2012. He would then make regular payments toward the delinquent balance on the other years' taxes, bringing them current before November 2012. He would then pay all of the 2012 taxes when they are due in November. If this agreement is honored by Mr. Grewal the commission would waive penalties and interest on those prior years' taxes.

Treasurer Hansen also stated in the letter that it is Mr. Grewal's responsibility to check with

the assessor on the taxable value to make sure that it is appropriate through the assessment values and board of equalization.

Commissioner Whatcott made a motion to approve the letter drafted by Treasurer Hansen to Mani Grewal.

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

Commissioner Whatcott asked if Treasurer Hansen would inform the commission if Mr. Grewal has made good on his May 31, 2012 payment at the first commission meeting in June.

Treasurer Hansen presented the property tax disbursement and collection for the month of April. He explained that the disbursement report shows the entities who receive the distribution on a monthly basis; all others show a zero distribution amount.

The other report shows the amount collected during the month and the balance in the tax account as of the end of April, which does not reflect the amount distributed on the distribution report.

Treasurer Hansen said that he received a letter from Utah Trust Lands regarding multiple underground storage companies. He said that he would like to know more about what they are intending to do.

Treasurer Hansen said that May is the time where they get the values from the assessor's office and June is when they start working on tax rates. He said that last year's ending value was \$2,026,021,539.00. The previous high value was in 2001 in the amount of \$2,053,774,652.00. He said that last year's value was the highest the county has had in ten years. He reminded the commission that almost \$300,000,000.00 was appealed by First Wind.

Treasurer Hansen said that if the county bases the tax rate for 2012 on the 2011 value the county will be assessing the local people a substantial increase because the county's value will be going down about \$300,000,000.00 making the certified rate much higher.

Treasurer Hansen said that the highest tax rate was .003462; the lowest was .003278.

The commissioners and Treasurer Hansen discussed the financials and the growth of the tax rates for the county, past and future.

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

Commissioner Smith said that he and Commissioner Withers viewed the golf course and found that the back 9 greens are pretty well dead and seem to be getting worse and worse every year. The front 9 greens seem to be struggling too.

He said that they really need to deal with this issue and try to figure out how to stop this from occurring and try to recover. He said that they are trying to come up with a long term plan to correct this issue. They are holding a meeting tonight at 8:00 p.m. at the golf course to get some ideas of what people expect and to present some options on how to correct the problems.

An idea they have discussed is to hire a professional to come in and analyze the situation so it can be corrected. Commissioner Smith will report what he finds at the next commission meeting.

Commissioner Smith and Commissioner Withers attended a joint highway meeting on Friday. There is a current project going on in Millard County. They reviewed the Urban and non Urban S.T.I.P grant list. The county does not have any projects that are on those lists.

The current Federal Transportation Bill got extended for another nine or twelve months. The anticipation is that receipts for Class B Road money will be down due to the rising price of gas. There were some proposals on how that formula can be changed so that does not happen.

Commissioner Smith attended the National Behavioral Conference in Chicago. He said that this program helps a lot of people. They had a meeting block for authority board members to show how to run the center, how to compensate the director and to have an emergency plan in place, as far as personnel.

All three commissioners attended a UAC Management Conference held in Ogden April 18,19 and 20, 2012.

Commissioner Whatcott attended or participated in the following:

- A meeting /dinner with the Board of Oil, Gas and Mining. He had an opportunity to discuss with Director John Baza and Chairman James Jensen the County's support of Peak Minerals and Magnum Gas Storage. He solicited their help in moving these businesses forward.
- The Renewable Energy Fair in Milford with Millard County Economic Development Director Linda Gilmore and other Millard County Business owners. He met with different vendors on what their products were capable of doing to conserve energy and maximize business potential. Commissioner Whatcott congratulated Delta High School in taking first place in the electric car competition.
- The Utah Association of Counties executive board, hosted by Millard County. Elected officials were able to discuss issues relevant to our county.
- The National ATV Jamboree coordination meeting at the Fillmore BLM Field Office.
- The Annual Fillmore Library Street Fair.
- An East Millard Recreation Meeting.
 - There will be a fourteen team softball tournament held this weekend along with divisional playoff games for boys 2-A baseball.
 - On Wednesday there is a boys soccer game. If the boys win that game they will be playing in Fillmore again on Saturday for the divisional playoffs to go to State.
 - There will be some horse races held on Sunday.
 - Max Wood, Recreation Director has already had his ice breaker for recreation.

Commissioner Whatcott said that Senator Lee is planning to meet with the business people of Millard County on May 31, 2012, from 10:00 a.m. to 1:00 p.m.. Also, Congressman Chaffetz is planning a town hall meeting on July 30, 2012 at 5:00 p.m..

Commissioner Withers said that he and Commissioner Smith were able to talk to the

Governor at the UAC meeting and ask him about the west desert water and Millard County's soil conservation.

Commissioner Withers said that the beginning of the race car series started in Delta last Friday and Saturday and was a huge success. There were a ton of people who wandered down wondering what the noise was and then attended the race on Saturday. There were some complaints about the late night noise. They met with those people who complained and went through some ideas on how the county could make it better.

There were over 500 spectators on Saturday and 50-60 cars in different classifications that attended. There were racers from three different states.

Commissioner Whatcott said that the county really ought to reiterate what money was brought into the county due to these racing events not to mention the amount of money paid to the county to use the race track.

There will be another race held this weekend.

Commissioner Withers met with the Rodeo Club last night. They are finalizing the ideas for the West Millard Rodeo.

POSSIBLE REVIEW OF COUNTY POLICIES AND CONTRACTS

There was none.

WHERE UPON THE MEETING ADJOURNED

Commissioner Whatcott made a motion to adjourn the meeting.

Commissioner Smith SECONDED the motion. The voting was unanimous and the meeting adjourned at 2:50 p.m..

Attest: _____

Approved: _____