

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 16th DAY OF OCTOBER 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: Brandy Grace County Auditor
John Hansen County Treasurer
Robert Dekker County Sheriff
Forrest Roper, Michael Winget,
Eric J. and Stephanie Eberly. County Sheriff’s Office
Dean Draper Chronicle Progress
Ross Olsen, Robert A. and Afton E. Nielson,
Neil, Ranae, Ralene and Felicia Stevens Citizens
Roger Young NCS Plus
Whitney Ward, Chad Dewey and Doug Johnson Snow College
Linda Gillmor Millard County
Rick Allis Utah Geological Survey
Doug Heaton American Lands Co.

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 Whatcott read a quote from Abraham Lincoln: “You cannot help man permanently by doing for them what they could and should do for themselves”. Commissioner Whatcott said the invocation. Everyone stood and said the Pledge of Allegiance to the Flag.

APPROVAL OF OCTOBER 2, 2012 COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held October 2, 2012 were presented for consideration and approval. Following review and consideration of minor corrections, Commissioner Whatcott made a motion to approve the minutes of October 2, 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 presented an invoice she received from Utah Association of Counties (UAC) for the second quarter 2012 Centrally Assessed Litigation fees in the amount of \$3,369.66.

Commissioner Smith made a motion to pay the invoice to UAC in the amount of \$3,369.66.

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

Auditor Grace presented an invoice in the amount of \$91.70 for Kirsty Pickery for legal services on the Snake Valley Water mitigation.

Commissioner Smith made a motion to pay the invoice to Kirsty Pickery for legal services on the Snake Valley Water mitigation in the amount of \$91.70.

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

POSSIBLE APPROVAL OF HARDSHIP ABATEMENT APPLICATIONS

Auditor Grace presented a hardship abatement application from Penny Young, parcel D1092. Ms. Young submitted her application in March but did not provide all of the required information. On July 20, 2012 the Auditor's Office sent a letter explaining what more was needed in order to submit the application to the Commission. The requested information was received on October 9, 2012.

The commissioners reviewed the information and said that since the application was submitted before the September 1, 2012 deadline they would consider an abatement for Ms. Young.

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

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

POSSIBLE BOARD OF EQUALIZATION (BOE) DISCUSSION AND OR ACTION

There was none.

TREASURER'S REPORT

Treasurer Hansen received a bankruptcy notice on Troy Crosland. Mr. Crosland has two parcels in Fillmore; one is a house, the other is a parcel of property next to the house. The parcel with the home on it has been paid by the mortgage company. The parcel of property without the home has not been paid and has a balance of \$17.18. If the county wants to protect the amount that is potentially due it would have to file paperwork. It would cost a lot more than the \$17.18 due to pursue the amount, therefore, he is requesting that the county write off the balance owed.

Commissioner Smith made a motion to write off the balance owed in the amount of \$17.18 on Mr. Crosland's parcel of property.

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

Treasurer Hansen presented the reconciliation report between the Treasurer and Auditor for the month of September, which shows the fund balances and the total funds on hand are in balance.

Treasurer Hansen presented the October Mineral Lease Revenue Distribution for School and Institutional Trust Lands Administration. He reminded the commissioners that the amount of the revenue has started to decline and will remain as low distributions. The distribution for the month of October was \$1,954.66.

Treasurer Hansen said that a while ago he discussed the penalties on state assessed properties who do not complete their filing on time. He presented a revised notice on a particular entity for the commission to review.

ADOPTION OF THE 2013 TENTATIVE BUDGET

Commissioner Withers explained that the commission would basically be adopting the tentative budget for 2013 with the same figures as 2012. The county will continue to make adjustments and will adopt the final budget in December. The budget hearing is scheduled to be held on Tuesday, December 4, 2012 at 7:00 p.m..

Commissioner Whatcott made a motion to adopt the 2013 Tentative Budget.

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

DISCUSSION AND POSSIBLE APPROVAL OF A BUSINESS LICENSE FOR AOP HERBS - OWNER DOUGLAS TAYLOR

A business license application was presented for AOP Herbs, a business which grows and ships vegetables and herbs within the United States. After review of the application and finding all the signatures in order, Commissioner Smith made a motion to approve the business license for AOP Herbs - owner Douglas Taylor.

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

DISCUSSION AND POSSIBLE APPROVAL OF A CREDIT CARD FOR MARGENE STEVENS IN THE ASSESSOR'S OFFICE

Commissioner Whatcott made a motion to approve a credit card in the amount of \$1,500.00 for Deputy Assessor Margene Stevens.

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

DISCUSSION AND POSSIBLE APPOINTMENT OF SUSAN JONES TO THE MILLARD COUNTY HOUSING AUTHORITY BOARD

Commissioner Whatcott read a letter received by Roland Comeau, Chairman, recommending Susan Jones to be appointed to the Millard County Housing Authority Board.

Commissioner Whatcott made a motion to appoint Susan Jones to the Millard Housing Authority Board.

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

DISCUSSION AND POSSIBLE APPROVAL OF AN AGREEMENT BETWEEN MILLARD COUNTY AND JONES AND DEMILLE ENGINEERING, INC. FOR ENGINEERING SERVICES ON THE OAK CITY PROJECT

Commissioner Smith made a motion to approve the agreement between Millard County and Jones and DeMille Engineering, Inc. for engineering services on the Oak City project pending the review of the County Attorney and giving the chair the authority to sign it as soon as it has been reviewed.

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

PRESENTATION BY ROGER YOUNG, NATIONAL CREDIT SYSTEMS PLUS (NCS), REGARDING COLLECTION SERVICES

Mr. Young gave a presentation regarding National Credit Systems Plus Collection Services. He said that they are an alternative to traditional collection agencies and they are endorsed by UAC. They are making their rounds through the state trying to get counties signed up. He discussed the following three differences from other collection agencies:

- Control of accounts
- Transparency
- Accountability

Mr. Young explained the process. He said the first thing they do, when they receive a collection account, is run a skip trace. Most skip traces cost between \$45.00 to \$75.00 regardless if the debtor is found or not. NCS will collect on the County's accounts with a starting cost of \$20.00 and this price may even go down. They will run as many skip traces as needed to find the debtor at no extra cost to the county. They will send out a series of five to six letters in a four month period.

If the debtor still does not pay they will be reported to the three reporting credit bureaus. They will also place at least three live telephone calls and as many auto-dialer calls as needed within the four month period. When the debtor pays anything it will be paid directly to the county.

After the four month period, at the County's discretion, NCS will continue to pursue the accounts with the help of its legal team. If NCS continues to pursue the accounts after the four month period there will be a 50/50 split between the county and NSC for any funds collected. If no funds are collection there will be no cost to the county.

If the collection goes to court and a judgment is awarded, NCS will execute on the judgement and split it 50/50 with the County. All of the court fees will be taken out of NCS's portion. The county will not have to participate in any costs toward court fees.

The minimum service is 100 claims at \$20.00 a piece for a \$2,000 investment, but because of NCS's affiliation with UAC the minimum is now 50 claims for a \$1,000.00 investment. They will also guarantee their services and will guarantee the county over the course of the 50 claims at least \$4,000.00 collected. If the county does not collect \$4,000.00 NCS will either refund the county's money, make up the difference of what it costs or offer free services until up to that amount (\$4,000.00) is collected.

The County can purchase as many claims as it would like. The more claims the County purchases the cheaper the price gets.

Mr. Young said that typically there is a \$60 annual maintenance fee but it is waived due to the affiliation with UAC. There would be a service agreement between NCS and the County. The claims never expire.

Commissioner Smith said that the County would like to take the time to check with the department heads to see if there is a need for this type of service.

SHERIFF DEKKER TO PRESENT AN AWARD TO ROBERT NIESLON FOR HONORARY SHERIFF, AND AWARD SGT. EBERLE WITH A CERTIFICATE

Sheriff Dekker presented an honorary Sheriff's award to Robert "Ag" Nielson. He said that over the years Mr. Nielson has provided education and sometimes given the inmates their very first step, besides the diploma, so they may walk out with a bit more confidence. He said that Mr. Nielson cares about the people and that makes the difference. He cares if they succeed or not and he is willing to give whatever time or talents he has to help them succeed.

Sheriff Dekker said that a few years back the school board could not afford to keep the program going in the jail, but that did not stop Mr. Nielson from volunteering his time to come in and teach.

Sheriff Dekker said that when he was looking things over this year he decided to honor Mr. Nielson for all his contributions, dedication and sacrifices. The award was presented with the thanks of the Sheriff's Office and the people who Mr. Nielson has helped.

Mr. Nielson also expressed his appreciation to Sheriff Dekker and his law enforcement staff. He also expressed thanks to Stuart Baily for his help with the program by servicing the computers. He thanked the sheriff for helping to ensure that the needs are met for the program.

Commissioner Withers said that he too appreciates the sacrifices that Mr. Nielson and his family have made to help improve the lives of people he did not even know. There is nothing more honorable than someone who will step up and take care of business.

Sheriff Dekker recognized Sgt. Eric Eberle for his completion of the Jail Commander Certification Academy, which is not an easy course to complete. Mr. Eberle was offered his certificate at the Academy, but Sheriff Dekker is proud of Mr. Eberle and wanted to recognize him at this commission meeting.

Mr. Nielson congratulated Sheriff Dekker for being the lawman of the year in the State of Utah.

PRESENTATION BY DOUG JOHNSON ON NEW PROGRAMS OFFERED AT SNOW COLLEGE

Doug Johnson, Snow College, introduced himself as being in charge of continuing education and economic development at Snow College. He also introduced Chad Dewy, Director of the Natural Resources Program, and Whitney Ward, Director of the Outdoor leadership and entrepreneurship program.

Mr. Johnson said that there are five new programs at Snow College this year. Snow College has made an effort the past 18 months or so to better align itself with the economic development needs of the Six County Region. He was asked by the Economic Development Directors to come and update the commissioners.

Mr. Johnson discussed the following programs which are all new at Snow College this year:

- Nursing
 - New RN Program
- Industrial Mechanics
 - Programs: Facilities Maintenance, Agriculture Mechanics, Mining and Energy Development
 - Snow College is trying to make sure it is meeting the needs for employment at Peak minerals and IPP.
- Commercial Music
 - 4 year bachelors degree
- Natural Resources
 - 2 year Associated Applied Scientist Degree that is transferrable to a 4 year degree school

- Outdoor Leadership & Entrepreneurship
 - Provides lots of experience
 - Offers an emergent semester with hands on experience
 - Hopes to turn hobbies into lifestyles

Commissioner Whatcott said that it is a really good thing when a college takes a look around the surrounding areas and builds a program to bring training to local jobs. He said that he appreciates Snow College's vision.

Commissioner Smith questioned if these courses would be offered to the students in the Delta area through EdNet or a web based program. Mr. Johnson explained that EdNet is a program to give college credits for general studies to high school students. These five courses discussed today are more of technical courses that would not be available online. They would like to get some mobile units in place to teach certain programs.

He said that Snow College has received good support from the Six County region and wants to keep each county updated for its continued support. There is not a minimum on how many students sign up at this point.

DISCUSSION ON A NEW PHONE SYSTEM AT THE PUBLIC SAFETY COMPLEX

Commissioner Whatcott explained some of the features the new phone system will have.

Sheriff Dekker said that the new system will include the entire Public Safety building except for AP&P and Kelly Swallow's office. The current phone system was put in before 1982 and is getting harder to find replacement parts or companies knowledgeable enough with the system to repair it. The new system will make the phone system more compatible with what is now required. It will also upgrade the current internet system.

The monthly cost for the new system will run about the same or a little less than the current system after the initial purchase of the system and will give five times more band width than the current system.

Commissioner Whatcott said that he would like to see the bottom cost for the new system.

Commissioner Smith said that the Commission talked about this at the last budget cycle. There has been open discussion and if the need is there the County will open the budget or see if there are available funds in the capital budget. This project would be considered as a single source provider because of availability for service and maintenance. If everyone is happy with how it is going to work then he thinks that the county should go ahead with the new system.

PUBLIC INPUT

There was none.

OTHER BUSINESS

Commissioner Smith said that Senator Okerland, Mark Ward and possibly Representative Nielson have agreed to go to the Water Networking Meeting in Ely, Nevada. He thought it would be appropriate for their travel expenses and overnight stay to be paid for out of the Snake Valley Water fund.

Commissioner Withers said that the Commission has been invited to go to the State Legislature tomorrow to testify on behalf of getting better rural services in the county. There will be a presentation given by himself and Linda Gillmor, Millard County Economic Development Director.

Commissioner Withers said that the Public Utilities and Technology Intern Committee has invited the Commission to come and visit about the utility infrastructure in rural Utah, based on a meeting the commissioners had with the Delta Egg Farm and also their concerns with Peak Minerals receiving the need down south for utility infrastructures.

Commissioner Whatcott reported that according to the Cedar City BLM field office, the final EIS for the proposed Sigurd to Red Butte 345 kv line is now available for public review.

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

Commissioner Smith attended a Western Interlocal Region (WIR) board meeting of the NACo Conference. NACo sent out an email and a press release which outlined the focus of WIR for the coming year. It included supporting the re-authorization of PILT and SRS funding and relaxing regulations by the Federal Government so that energy development and economic development can happen in Western States.

Commissioner Whatcott reported the following:

- He reviewed the County budget with Commissioner Withers, Commissioner Smith and Auditor Grace.
- He completed the County Policy regarding the use of the East Millard Equestrian Park.
- He attended a tour of the Delta Egg Farm. The possibility of increasing its revenue and adding to the tax base of the County was discussed.
- He attended the County's Wellness Committee's event at the Sunset View Golf Course.
- He attended a Delta Chamber meeting titled "Meet your Candidate".
- He attended a School Board meeting in Delta. Part of the meeting was a tour of the new Delta High School facility and review of its progress.
- He attended a Utah Tourism Development Board meeting at the County offices in Delta.
- He responded to citizen complaints of a private land owner blocking access to roads crossing his land to public lands on Forest Service property.

Commissioners Withers, Smith and Whatcott met with Rocky Mountain Power concerning getting new services sent to the Delta Egg Farm. The Delta Egg Farm is wanting to upgrade and build some new coops. The commissioners will be going to the State to talk to the interim Committee about this issue.

Commissioner Withers met with the Farm Bureau last night at its annual meeting. A good meal was served and they gave a brief report on what has been going on in the County.

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.

Commissioner Whatcott made a motion to recess for lunch.

Commissioner Smith SECONDED the motion. The voting was unanimous and the motion carried. The meeting recessed at 12:07 p.m..

NOON LUNCH BREAK

Commissioner Whatcott made a motion to reconvene the meeting.

Commissioner Smith SECONDED the motion. The voting was unanimous and the motion carried. The meeting reconvened at 1:08 p.m..

PRESENTATION BY RICK ALLIS, UTAH GEOLOGICAL SURVEY, REGARDING BLACK ROCK DESERT BASIN GEO THERMAL HOT SPOTS

Rick Allis, Utah Geological Survey gave a presentation regarding Black Rock Desert Basin Geo Thermal hot spots. *See attachment.*

WORK MEETING WITH DOUG HEATON REGARDING PUBLIC LANDS

The commissioners had a meeting with Doug Heaton regarding public lands.

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 1:48 p.m..

Attest: _____

Approved: _____