

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 12th DAY OF MARCH 2013
AT THE COURTHOUSE, FILLMORE, UTAH

PRESENT: Daron P. Smith..... Chairperson
James I. Withers..... Commissioner
Alan M. Roper..... Commissioner

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

ALSO PRESENT: Dean Draper..... Chronicle Progress
Bart Whatcott..... Citizen
Lindsay Mitchell..... Sheriff's Office
Connie Hansen..... County Recorder
Brandon Anderson..... Days of the Old West Rodeo
Todd Thorne & Emery Polelonema..... Six County Associates of Government
Robert A. Dekker..... County Sheriff

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 Smith to the public and Commission members.

OPENING STATEMENTS

Commissioner Smith asked if anyone had an opening statement to give. Commissioner Roper told a story that he heard while attending the NACo conference in Washington D.C.. Commissioner Withers said the invocation. Everyone stood and said the Pledge of Allegiance to the Flag.

APPROVAL OF FEBRUARY 19, 2013 COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held February 19, 2013 were presented for consideration and approval. Following review and consideration of minor corrections, Commissioner Roper made a motion to approve the minutes of February 19, 2013, as corrected.

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

FOLLOW UP ACTION ITEMS FROM FEBRUARY 19, 2013

Commissioner Smith said that at the last meeting the County received an invoice for the USGS Study in the amount of \$7,920.00. It was discussed to bill Utah County for the entire \$7,890.00. Later, Attorney Waddingham suggested only to bill Utah County for the \$7,000.00 based on an agreement with Utah County and Millard County. Commissioner Smith spoke with Larry Ellertson who told Commissioner Smith that once an interlocal agreement is received Utah County will pay the \$7,000.00 that was agreed on.

It was discussed that Millard County would cover the remaining \$890.00.

AUDITOR'S REPORT

Auditor Grace presented a cell phone allowance for Travis Archibald who is employed by East Millard Maintenance.

Commissioner Roper made a motion to approve the cell phone allowance for Travis Archibald in the amount of \$40.00. The motion died for a lack of a second motion.

The approval of the cell phone allowance was tabled for further discussion.

Auditor Grace presented an engagement letter from Larsen and Company for the County's audit.

Commissioner Withers made a motion to sign the engagement letter between Millard County and Larsen and Company for the County's audit.

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

Auditor Grace presented an invoice, for the green stripping above Oak City, that she requested from the Department of Natural Resources (DNR). After deducting the amount that was reimbursed to the Road Department, for flood control and sand bag expenses, the balance is \$69,890.97.

She informed the commissioners that paying this invoice would exhaust the County's Title III fund balance and requested approval to pay the invoice.

Treasurer Hansen said that after the payment is made he will complete the necessary reports to submit to the appropriate agencies rather than waiting until they are due.

Commissioner Withers made a motion to use the remaining balance of the Title III money for reimbursement to DNR for the green stripping above Oak City.

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

carried.

Auditor Grace said that Klint Penney, East Millard Maintenance Department, asked if there were any suggestions for the advertisement on the swimming pool bid proposal that was presented to Attorney Waddingham for review. Attorney Waddingham said that in the past the County required that a potential bidder pick up a packet which would contain all of the specs of the job. He said that there are a few items, such as bonding and insurance coverage, that also needs to be mentioned as requirements for a bid.

Auditor Grace will prepare the ad and get it sent to the paper.

Auditor Grace said that there are some real problems that continue with the Justice Court financial reports. She said that she does not feel that it is feasible for her to spend the time auditing those reports with the problems that exist, because she is unable to accomplish what she needs to. She said that it is a real problem which has continued for many, many months now and she still has not been able to come to a conclusion with the reports.

Commissioner Roper said that he visited with Judge Haveron and she informed him that she thought that her office was doing the reports correctly. She said that she would be willing to meet with the auditor and commission to make sure that her staff understand what they need to be doing.

After further discussion, it was suggested to hold a meeting with the commissioners, auditor and the Justice Court staff to try and correct some of the problems that are happening.

POSSIBLE APPROVAL OF HARDSHIP ABATEMENT APPLICATIONS

Treasurer Hansen presented a hardship abatement application from John Bowcut regarding parcel number H2197-9 in the amount of \$120.17 and parcel no. H2197-9-1 in the amount \$273.25. The Commission reviewed the information presented.

Commissioner Roper made a motion to abate 67% of Mr. Bowcut's property taxes, parcel number H2197-9 and parcel number H2197-9-1 and to set up a payment plan. If the payment is made current before the 2013 taxes are due the penalties and interest will also be waived.

Commissioner Withers 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 presented the financial report for property taxes collected and distributed for the month of February and the collection and distribution report (two different reports).

Treasurer Hansen said that a request was made for the financial status of the County. He said that he looked over the records and without looking at the individual funds within the County he found that there is a higher total fund balance in 2010 and in 2012. He said that in looking at the County's general fund and operating funds they are right in line with where they should be. There is a higher overall fund balance at the end of 2012 than in 2010.

Commissioner Withers thanked Treasurer Hansen for taking the time to get that information for the concerned citizen.

Commissioner Smith said that prior to 2010 most of the County's funds were decreasing. For a number of years the County had to borrow money from capital to operate.

Treasurer Hansen said that the County has been able to maintain the tax rate without increasing taxes which is a sound financial philosophy as the commissioners are doing. He said that other counties are struggling financially and it is good to see that Millard County is doing good financially.

Treasurer Hansen presented a stack of resolved State assessed appeals. He said that he has not computed the refunds yet but wanted to present them to the Commission so that they will know what to expect.

Treasurer Hansen went over a few of the entities that will be receiving a refund.

The commissioners approved Treasurer Hansen to proceed with processing those appeals.

Treasurer Hansen said that the County has received continual requests for copies of the County's tax roll. He questioned what the appropriate amount would be to charge for the copies.

Recorder Hansen said that she called around to other counties to see what they have been charging for these types of requests. She said that Juab County has the purchaser sign a contract stating that they will not sell the information they receive from the County.

Treasurer Hansen said that due to GRAMA they cannot deny the request, but they feel that they should be compensated for the time it takes to prepare the documents.

Recorder Hansen said that she has had a lot of people express that they do not want their information shared.

Commissioner Smith said that there was a lot of debate at the Legislative meeting last week about House Bill 122, which covers this topic.

It was suggested to have Recorder Hansen get more information as to what other counties are charging and to work with Attorney Waddingham on the GRAMA laws to come up with a different schedule for this, to be consistent.

DISCLOSURE STATEMENTS

The following employees submitted disclosure statements.

- Linda Gillmor
- Debra A. Arnold
- Brent J. Bennett
- Daron P. Smith

APPROVAL OF DISBURSING THE COUNTY ATTORNEY'S SALARY PURSUANT TO THE COMPENSATION PLAN

Commissioner Smith said that about a year and a half ago the County adopted a compensation plan for elected officials and at that time the County Attorney deferred from going to that plan. During the last budget cycle they discussed the attorney going to the level that he should be on the compensation plan. This has already been approved and posted. The Commission will sign a payroll change form to make it official.

AMBULANCE ABATEMENTS - LINDSAY MITCHELL

Lindsay Mitchell presented an ambulance abatement application from Briston Wood (minor) in the amount of \$4,686.80. The family does not have insurance. Her parents' total debt, including the ambulance bill, is \$120,836.43. The father is currently unemployed and the mother's monthly income is \$1,200.00 with a family of four.

Commissioner Withers made a motion to abate 100% of Briston Wood's ambulance bill based on the income guidelines.

Commissioner Roper said that if they are willing to pay something then he feels like they should pay something.

Commissioner Withers withdrew his motion.

Commissioner Withers made a motion to abate 75% of Briston Wood's ambulance bill and to work out a payment plan to be completed within one year.

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

Lindsay Mitchell presented an ambulance abatement application from Roxanne Layton in the amount of \$1,272.97. Ms. Layton did not have insurance that would cover the ambulance trip. Her total debt, including the ambulance bill, is \$15,895.97. Ms. Layton and her husband both receive social security with an annual income of \$24,877.80.

Commissioner Roper made a motion to abate 40% of Ms. Layton's ambulance bill, based on income, and to set up a payment plan.

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

FURTHER DISCUSSION AND POSSIBLE APPROVAL OF PURCHASING PROPERTY FOR THE SOCCER FIELDS IN FILLMORE

Commissioner Roper said that he met with Thayne Henrie, Road Supervisor, regarding the potential soccer field which will be located north of the high school baseball field. Mr. Henrie said that the property looks like it will be reasonably priced to get ready. Mr. Henrie informed him that he needs to shoot grades before he can get to the property. This property is jointly owned by Sherm

Stephenson's wife and Loren Hansen's wife. He said that both property owners were willing to split what ever amount of property the County will need. Fillmore City is also willing to donate some of its property to the County for the soccer field and the School District has agreed to water the fields.

This item will be discussed further at a later commission meeting.

OPENING OF THE MAG-CHLORIDE BIDS FOR THE ROAD DEPARTMENT

The following bids were opened:

- Dust Busters
 - Delta rate - \$60.94 per ton.
 - Plus 32 miles, outside of Delta - \$64.19 per ton
- WRR Industries
 - Delta rate - \$84.02 per ton
 - Plus 32 miles, outside of Delta - \$92.10 per ton

Commissioner Withers made a motion to accept the bids as presented and to forward the bids to the Road Department for review to make sure the quality of the products are the same.

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

Commissioner Smith said that the plus 32 miles is for hauling the mag chloride to the Lime Plant.

Commissioner Withers made a motion to accept the low bid with the affirmation that the quality of the product on the lowest bid is the same quality as the higher bid.

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

PRESENTATION BY LOUIE CRUTCH, EZ TICKETS, REGARDING THE DAYS OF THE OLD WEST RODEO ONLINE TICKET SALES

Brandon Anderson said that Louie Crutch could not make the meeting today and would like to schedule a time at a later date for the presentation.

A tentative meeting was set for Thursday, March 21, 2013 at 11:00 a.m..

PRESENTATION AND POSSIBLE APPROVAL OF THE FINAL CIB LIST - EMERY POLELONEMA

Emery Polelonema presented the CIB list to the Commission. He said that after receiving permission from the Commission to visit its towns and cities, they were able to interview all the city and town mayors except for Oak City and Meadow. He said that Meadow requested to be taken off of the list, which is not something he usually does, but due to their request he removed all of their current listings from the list and informed Commissioner Smith that he had done so. He said that

if in the future they want to be placed back on the list he would be glad to add their listings back to the list.

Mr. Polelonema said that they were unable to meet with Oak City's mayor. Oak City's listings will remain on the list since they did not ask to be removed.

Mr. Polelonema went over some of the things that were removed from the list as well as some of the things that will remain on the list.

Mr. Polelonema discussed possible financial options regarding the CIB grant the County received for constructing a new Public Health Building in Fillmore. They discussed the differences in Federal and CIB grants and the requirements. He said that he will look further into the requirements and will get back to the Commission at a later date.

Commissioner Roper made a motion to approve the final Community Impact Board (CIB) priority list for 2014.

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

Commissioner Roper questioned if the State House in Fillmore was progressing at all. Todd Thorne said that it was his understanding that the State House did not want to move forward with any projects at this time.

PUBLIC INPUT

Bart Whatcott said that he was working with Trail Kreitzer, Division of Wildlife Resources (DWR) in Cedar City, on the road that was started last fall between Holden and Pioneer. He gave a map of the road to Thayne Henrie who was going to get a bid to do the road. Mr. Kreitzer was going to try to get some money from some kind of a hunting revenue to give to the County to finish the road which leads to DWR property. Mr. Whatcott wondered if that was ever taken care of. He said that it would be a big chunk of money to help the County finish that road. Commissioner Withers will follow up with Mr. Kreitzer to see where he is with that project.

OTHER BUSINESS

Commissioner Smith said that the American Lands Council gave a presentation to the County a few months ago regarding joining its organization. He said that he had the opportunity to visit with this group and thinks that there is real value in joining its organization. He said that the American Lands Council has changed its approach since it met with the County. Commissioner Smith said that he feels what the American Lands Council is worth while and he proposes that the County join for the \$1,000.00 a month.

Commissioner Smith said that this group is focusing on getting the State of Utah to get back some of the federal lands, and is currently working on putting together a committee.

Commissioner Smith said that the County Seat program sent the County a sponsorship

agreement which will be on the next agenda for possible approval.

Commissioner Withers said that the USDA Forest Service Annual Agreement needs to be signed.

Commissioner Withers made a motion to sign the agreement with the USDA Forest Service for the Road Department.

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

Commissioner Smith explained that it is an agreement that the County does every year and gets amended by the amount of miles the County agrees to maintain for the Forest Service.

Commissioner Withers said that the Department of Transportation will be holding a meeting at the County Courthouse on Tuesday, April 9, 2013 at 2:00 p.m.. They would like to meet with representatives from elected offices and staff personnel.

Commissioner Roper said that Richard Beckstrand, IT, has most of the computers that are not being used cleared out from the basement. He questioned what the County will be doing with them. Commissioner Withers said that the laptops will be donated to the Community First Program, which was discussed and approved at an earlier commission meeting. He suggested that the computers that are not being donated be placed in surplus. If they are not sold then the County should destroy them.

Commissioner Roper questioned the County's progress with the building that is going to be built next to the public safety building. Sheriff Dekker explained that they are looking at plans and what the needs will be for the building. They are hoping to meet regarding the building sometime in April.

Commissioner Roper said that Eland Lebaron needs to be replaced on the Millard Economic Development Association board. The board made a motion to appoint either Gordon Portor or Jake Smith to replace Mr. Lebaron.

Commissioner Roper said that he has not heard anything back from Laurie Mathews regarding the Miss Millard program.

Commissioner Roper said that Mike Styler would like to meet with the Commissioners and the Governor at the airport on Wednesday, March 20, 2013 at 1:00 p.m..

Attorney Waddingham presented a protest for the Commission chair to sign. Commissioner Smith said that the protest is on the application filed by Peak Minerals on their project which is a large amount of water. The County protested this application so that it could participate at the table if it ever went for a hearing.

The Commission discussed the process of a solicitor permit. It was reiterated that the Clerk's

Office would approve the permits after the Sheriff signs them. The cost for a solicitor permit is \$25.00 and can be valid for up to one year, based on the County Clerk's discretion. A permit will be issued to the solicitor for proof of licensing.

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

Commissioner Roper made a motion to go into a closed executive session to discuss pending litigation. Present in the closed session were Commissioner Daron Smith, Commissioner James Withers, Commissioner Alan Roper, Attorney Richard Waddingham, Clerk Norma Brunson and Deputy Clerk Marki Rowley.

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

The commission decided to go into a closed session on a different issue before considering this matter. Nothing was discussed. Therefore, the Commissioners came out of the initial closed session and made a motion to go into a closed session to discuss a different issue.

Commissioner Withers made a motion to go into a closed executive session to discuss the character, professional competence or physical or mental health of an individual. Present in the closed session were Sheriff Robert Dekker, Clerk Norma Brunson, Commissioner James Withers, Commissioner Daron Smith, Commissioner Alan Roper, Attorney Richard Waddingham and Deputy Clerk Marki Rowley.

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

After the closed executive session the regular meeting reconvened at 12:14 p.m..

Commissioner Withers made a motion to go into a closed executive session to discuss pending litigation. Present in the closed session were Clerk Norma Brunson, Commissioner Daron Smith, Commissioner James Withers, Commissioner Alan Roper, Attorney Richard Waddingham, Deputy Clerk Marki Rowley, former Commissioner Bart Whatcott and Attorney Kathe Liuzzi.

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

After the closed executive session the regular meeting reconvened at 12:42 p.m..

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

Commissioner Smith suggested that the Commissioners submit their reports in writing for the minutes, due to the time restraints.

Commissioner Smith said that all three commissioners and Auditor Grace attended a NACo Conference in Washington D.C.. They had a great successful trip and appreciated participating in the meetings.

All three commissioners met with the Governor and the Juab and Tooele County Commissioners on Thursday to discuss the Snake Valley Water issues.

Attorney Waddingham reminded the Commission that work session or work shops should be recorded since those types of meetings fall under the open meetings act. He just wanted to make sure that those meetings be recorded when they are open to the general public.

Attorney Kathe Liuzzi said that she has had cases where the recordings of the meetings actually helped her case.

POSSIBLE REVIEW OF COUNTY POLICIES AND CONTRACTS

There was none.

WHERE UPON THE MEETING ADJOURNED

Commissioner Withers made a motion to adjourn the meeting.

Commissioner Roper SECONDED the motion. The voting was unanimous and the meeting adjourned at 12:52 p.m..

Attest: _____

Approved: _____