

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 16th DAY OF APRIL 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: Julian Finlinson..... Citizen
Max Wood..... County Recreation
John Hansen..... County Treasurer
Brandy Grace..... County Auditor
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, 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 Smith said that the Commission was invited to attend a meeting held by the Millard School District Board of Education, Thursday, April 18, 2013 at 1:00 p.m.. Commissioner Withers recited a quote from Eleanor Roosevelt: “When you become an elected official you need to go with your heart because regardless of what you do you will be criticized. Commissioner Roper said the invocation. Everyone stood and said the Pledge of Allegiance to the Flag.

APPROVAL OF APRIL 2, 2013 COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held April 2, 2013 were presented for consideration and approval. Following review and consideration of minor corrections, Commissioner Roper made a motion to approve the minutes of April 2, 2013, as corrected.

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

FOLLOW UP ACTION ITEMS FROM APRIL 2, 2013

Commissioner Smith said that at the last meeting it was discussed that the Road Department needed to replace an employee who is retiring. The position was advertised in the paper last week and will be advertised in the paper this week.

Commissioner Roper reported that he met with Justice Court Judge Deb Haveron to clarify that Justice Court payments will not be accepted at the Justice Court office in Delta. It was confirmed that all Justice Court payments will need to be sent to the Justice Court office in Fillmore. The Justice Court office in Delta will provide envelopes to people wanting to mail their payments from the west side of the County.

Commissioner Withers reported that he spoke with Thayne Henrie, Road Department Supervisor, regarding Kary Kesler's request for cattle guards. Mr. Henrie confirmed that the cattle guards generally cost about \$4,000.00 each.

Commissioner Withers spoke with Mr. Kesler, who said that since the cattle guards will be placed on County roads he feels they will benefit the County. Therefore, he is requesting that the County help fund half the cost for the cattle guards.

In trying to be consistent with what the County has done in the past, the Road Department will install the cattle guards, but Mr. Kesler will be responsible for the entire purchase of the cattle guards. Commissioner Withers will inform Mr. Kesler of the Commission's decision.

AUDITOR'S REPORT

Auditor Grace updated the commission on the tax sale proceedings. She said that there are still forty parcels on the list and six of those parcels contain homes. She is going through the process of trying to determine if the homes are occupied by the owners or by renters. Her office will continue to work through that process.

Auditor Grace said that her office is getting ready to send out the certified mailing for the tax sale.

Auditor Grace presented the CIB grant contract with Workforce Services. The contract is for the new public health building that will be built in Fillmore.

Commissioner Smith said that he was contacted by Jane Beckwith, Topaz Museum. Ms. Beckwith asked the commission for the \$22,500.00 that was committed to the museum a few years ago. Commissioner Smith explained that a few years ago the County funded \$22,500 to help with building a new museum. The Museum was not built at that time and the money was not used, therefore, the money was returned to the County with the promise that it would be given back to the Museum when the building was ready to be built.

They are now ready to build the building and have made a request for the funds. The \$22,500.00 will come out of Special Project Fund 22. The money received from the County will be used as match money for other funds the Museum will be receiving. This money will be given for the economic and cultural benefits to the County.

Commissioner Roper made a motion to fund \$22,500 to the Topaz Museum to help with the construction of its new building.

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

POSSIBLE APPROVAL OF HARDSHIP ABATEMENT APPLICATIONS

There was none.

POSSIBLE BOARD OF EQUALIZATION (BOE) DISCUSSION AND OR ACTION

There was none.

TREASURER'S REPORT

Treasurer Hansen said that Mr. Finlinson was unable to get formally scheduled on the agenda for today and asked if Mr. Finlinson could take a few minutes to discuss his options with the Commission.

Mr. Finlinson said that he appreciates the consideration he received from the Commission last time he was here. He said that he has a total tax bill of \$7,348.00 which includes the interest and penalties on his property.

Mr. Finlinson said that he is fine with paying his bill but would like to pay the amount that would have been assessed if the property was classified properly. He said that the property was being used 100% as residential for most of the time, but was assessed 100% as commercial the entire time.

He said that he has all the documentation to prove that his property was being used as residential and is asking if the Commission would offer some relief on his bill.

After further discussion the Commission decided that it would need to be consistent with what it has done in the past.

Commissioner Roper made a motion to waive the penalties and interest on Mr. Finlinson's property taxes and to remove the property from the tax sale, if Mr. Finlinson would pay half the amount due today and pay the balance current before November.

Commissioner Withers SECONDED the motion. The voting was unanimous and the motion carried. *Commissioner Roper rescinded this motion later in the meeting, and a different motion was made in its place.*

Treasurer Hansen presented and discussed the financial report for the month of March.

DISCUSSION AND POSSIBLE APPROVAL OF A CONTRACT WITH EZ TICKETS LIVE

Attorney Waddingham said that he has made all of the corrections to the contract that were previously discussed. He is now waiting for a response from EZ Tickets Live to accept or modify.

Commissioner Withers made a motion to approve the Chair to sign the contract with EZ Tickets Live when it is returned to the County Attorney, and to ratify the signing at the following commission meeting.

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

DISCUSSION AND POSSIBLE APPROVAL OF MOVING LINDA GILLMOR, MILLARD COUNTY ECONOMIC DEVELOPMENT DIRECTOR, TO A FULL - TIME POSITION

Commissioner Roper said that he read through the job summary and feels that moving Ms. Gillmor full-time would be in line with the position.

It was suggested to go through the process of step and grade and to visit with Ms. Gillmor to see if she would like to be moved to full-time.

Commissioner Smith said that the full-time position would include benefits and would need to be added to the budget.

DISCUSSION AND POSSIBLE APPOINTMENT OF ASSESSOR PAT MANIS AS MILLARD COUNTY'S REPRESENTATIVE ON THE MCAT BOARD

Commissioner Smith said that in the past the County designated Auditor Grace as the representative on the MCAT Board.

Auditor Grace explained the requirements to serve on the MCAT Board. She also explained why she feels that she needs to be replaced on the board.

Commissioner Withers made a motion to appoint Assessor Pat Manis as Millard County's representative on the MCAT Board.

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

Commissioner Roper asked whether Mr. Manis would have the time to serve as the representative on the board. Assessor Manis said that he would make the time due to the issues involved. He said that his time will be hectic for the next five months but he feels that this is an important issue and he would devote his time.

An official letter will be sent to MCAT informing them that Assessor Manis has been appointed as the County's representative.

DISCUSSION AND POSSIBLE APPROVAL OF ADDING OFFICE SPACE AT THE COUNTY

SATELLITE OFFICES IN DELTA

Commissioner Smith discussed options of housing the County Attorney and a secretary in the County satellite offices in Delta. They also discussed an option of possibly adding on more office space to the building. There is \$50,000.00 budgeted in the Capital Fund which could be used for expanding the building. Commissioner Smith said there are still issues to work through. The Delta office manager has been out of town and when she returns they will discuss this further.

DISCUSSION REGARDING MILLARD COUNTY'S PURCHASING POLICY

Commissioner Smith sent a copy of the draft purchasing policy to the other commissioners and the County Attorney to review.

They discussed the possibility of lowering the amount which would require documentation for phone bids.

After discussion it was decided that a draft of the County Purchasing Policy will be sent to all the elected officials and department heads for suggestions and will be brought back for discussion and possible approval at the next commission meeting.

PUBLIC INPUT

There was none.

OTHER BUSINESS

Commissioner Withers said that he asked Max Wood, Recreation Director, to come and discuss the (facilities use) rental policy. He said that several people have asked to use the County facilities at a reduced rate or for no cost at all to hold fund raisers and other events.

Mr. Wood said that after several people asked to use the facilities at no cost he drew up a rental policy which he created using similar policies as reference. He presented the policy to the commission for review and discussion.

After review of the policy and making some changes it was decided to contact similar venues to see what they are charging for rental fees.

Mr. Wood said that he was approached by a citizen who is involved with the Rocky Mountain Baseball League. He asked if the organization could use the County ball fields for a reduced cost or no cost. It was discussed that some sort of fee would need to be charged to cover the costs of preparing the ball fields before and after the games.

Commissioner Withers made a motion to find out if Rocky Mountain Baseball League is a non profit organization. If it is determined to be a non profit organization then to waive 50% of the fee for the use of the County ball fields for Rocky Mountain Baseball League. The \$500.00 deposit will not be waived.

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

Commissioner Withers will discuss the policy with Mr. Jackson before the tournaments will be held.

Commissioner Roper asked if a bid proposal would be placed in the paper for the Public Health building to be built in Fillmore.

Commissioner Withers said that he thought that they should wait until the property is identified first.

Commissioner Roper will discuss property with Fillmore City and he will contact the Department of Transportation regarding a right-of-way before a bid would be placed in the paper.

Attorney Waddingham requested that the motion made earlier regarding Julian Finlinson's property taxes be restated for clarification.

Commissioner Roper made a motion to strike his earlier motion regarding Julian Finlinson's property taxes.

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

Commissioner Withers made a motion to waive the penalties and interest on Mr. Finlinson's property taxes if he pays 50% of what is owed now and pays the remaining balance before the end of the year.

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

Attorney Waddingham presented the Schedule Two Contract of the Frontier Service Agreement, which was approved in a previous commission meeting.

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

All three commissioners attended a Utah Association of Counties (UAC) conference in Provo, Utah, last Thursday and Friday. It was a good conference.

Commissioner Withers met with the Rodeo Committee last night. He said that the plan is to move forward with the rodeo. The Rodeo Committee expressed its appreciation for the approval of the EZ Tickets Live contract. They feel that by approving this contract it will increase sales.

Commissioner Roper said that he held the preliminary bid on the East Millard Swim Pool. Eight people showed up for the walk through. During the walk through they noticed that there is moisture issues which will need to be addressed.

Commissioner Roper put together a list of what was discussed during the walk through and sent to all those in attendance. The deadline for receiving bids will be April 30, 2013 and the bids will be opened at the May 7, 2013 Commission Meeting.

Commissioner Smith attended a National Behavioral Health and Substance Abuse

Conference in Las Vegas, Nevada, last Monday and Tuesday. Central Utah Counseling covers Commissioner Smith's expenses to attend this conference. He said that he always finds this conference beneficial.

All three commissioners participated in a conference call with Governor Herbert. A few days later Governor Herbert announced that he would not sign the agreement between Utah and Nevada regarding the water. Commissioner Smith said that the Governor deserves all the credit for listening to all of the comments and input regarding this issue.

POSSIBLE REVIEW OF COUNTY POLICIES AND CONTRACTS

There was none.

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

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, 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 support a \$1,000 payment to Peter Stirba to write an opinion about certain processes or procedures that the County is involved in. This is in regards to County officers.

Commissioner Smith stepped from the chair and SECONDED the motion. Commissioner Roper voted NO. Commissioner Withers voted YES. Commissioner Smith voted YES. The motion carried. The \$1,000 will be taken out of the risk management budget.

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 1:15 p.m..

Attest: _____

Approved: _____