

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 16th DAY OF JULY 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: Reid Smith..... Citizen
Sheryl Dekker..... County Planner
Linda Gillmor..... Economic Development Director
Brandy Grace..... County Auditor
John Hansen..... County Treasurer

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 said that every once in awhile you run across something that brings a tear to your eye and sometimes you run across something that brings a lot of tears to your eyes. He then read from the minutes something that Commissioner Withers said at the last commission meeting. “Millard County is an agricultural county and I appreciate the efforts of those going above and beyond what is expected to make sure that the neighbors are comfortable. It is important to remember that we are neighbors and we are good stewards of the land and it is important to take care of our water and resources. It seems that there has been good compromises for all who are concerned. I thank those for trying to take care of the things that the neighbors are concerned about. It shows the American spirit that we can work together and I appreciate it.” Commissioner Withers said the invocation. Everyone stood and said the Pledge of Allegiance to the Flag.

APPROVAL OF JULY 2, 2013 COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held July 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 July 2, 2013, as corrected.

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

FOLLOW UP ACTION ITEMS FROM JULY 2, 2013

There were none.

AUDITOR'S REPORT

Auditor Grace presented hardship abatement applications.

POSSIBLE APPROVAL OF HARDSHIP ABATEMENT APPLICATIONS

Auditor Grace presented a property tax abatement application from Melissa Conk, parcel # D-631. She said that her office received the application a while ago and sent a letter to Ms. Conk requesting additional information. Auditor Grace received a letter of response from Ms. Conk and presented it to the Commission for review. Auditor Grace brought up the fact that in the letter Ms. Conk stated that she is currently living in Las Vegas, Nevada and questioned if the home would still be considered as a primary residence. Commissioner Roper read the letter that Ms. Conk presented.

Commissioner Withers said that he would like to talk to the person who deeded this property to Ms. Conk before making a decision on this application.

Auditor Grace presented an abatement application from Fire Rocks Lava Products, LLC, account #13926. Commissioner Smith said that he spoke with the State Centrally Assessed Property Tax Division who indicated that there was nothing the County could do to adjust the value since the State set the value. They said that when the business finally met with them it was outside the appeal process limitations and they did not provide any extraordinary reasons why they missed the appeal time lines. Now the only thing the County can do is abate a portion of the taxes.

Auditor Grace said based on the order of dismissal the property owner's average was \$2,749.94. The taxes assessed for the 2012 year was \$15,372.67 plus a late filing penalty of \$1,005.37, bringing the total assessed by the State to \$16,909.67. Auditor Grace recommends that the County require Fire Rocks Lava Products, LLC to pay the average amount of \$2,749.94 plus the penalty of \$1,005.37 totaling \$4,286.94.

Commissioner Roper made a motion to abate a portion of the property taxes for Fire Rocks Lava Products, LLC, and charge the average amount of the last few years in the amount of \$2,749.94 plus the assessed penalty based on the State's assessed value in the amount of \$1,005.37 totaling

\$4,286.94.

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

Commissioner Roper questioned if the last year was more than the year prior. Auditor Grace said that the taxes owed in 2011 was \$2,383.11.

Treasurer Hansen explained that based on their production the value from year to year can change remarkably. He said that it makes sense for them to accept the figures Auditor Grace gave based on their own recommendation.

Treasurer Hansen asked if Reid Smith could discuss his property taxes with the Commissioners. Mr. Smith said that he is four years delinquent on his property taxes and he would like to take care of it. He said that he has not been making enough money to pay the property taxes. He said that he has an application for tax relief. Treasurer Hansen explained that the application is the application that is filed in the Treasurer's Office after they have failed to file for a property tax credit in the Auditor's Office. He said that Mr. Smith is four years behind on his property taxes and the fifth year will be coming soon making his property subject to the 2014 tax sale. Mr. Smith brought with him the last four years of tax returns and has filled out the application.

Mr. Smith explained that he is unable to work full-time due to a medical condition. He said that his annual income ranges from \$8,600.00 to \$10,500.00. Treasurer Hansen said that with that in mind, based on the circumstances, Mr. Smith would not be eligible for an abatement that is granted through the Auditor's Office.

Treasurer Hansen said that based on Mr. Smith's income he is probably at the base of receiving the maximum abatement amount of 50%.

Mr. Smith indicated that he would be able to pay half the amount owed before April, if the Commission would allow him to make monthly payments.

Commissioner Withers made a motion to abate 50% of Mr. Smith's property taxes and to set up a payment plan to have the remaining balance paid current before April.

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

Treasurer Hansen recommended that Mr. Smith stop by the Auditor's Office and fill out the applications for next year's property taxes. He also asked if Commissioner Withers' motion was to include the 2013 taxes which will be due this November.

Commissioner Withers said that he would be comfortable with abating 50% of all five year's taxes, including 2013, and for Mr. Smith to make payments for the remaining balance to be paid current before April 2014. This would bring Mr. Smith's taxes current before the 2014 taxes come due.

POSSIBLE BOARD OF EQUALIZATION (BOE) DISCUSSION AND OR ACTION

There was none.

TREASURER'S REPORT

Treasurer Hansen gave last year's money management booklet to the Commission.

Treasurer Hansen informed the Commission that the property in the name of JSS, which was deeded to Steven Crabb in Kanosh, Utah, was taken off the tax sale in May because they were going to transfer the property to Kanosh Town. Nothing has been done with that property since then. If nothing happens soon, the property will be put back on the tax roll and a tax notice will be sent.

Commissioner Roper said that he would contact Mr. Crabb to see what his intentions are with this property.

Treasurer Hansen presented the Financial Report for County funds for the month of June.

Treasurer Hansen discussed the bankruptcy involving four parties with the Revolution Dairy in Delta. He said that the property taxes were current at the time of the bankruptcy, but he wondered if there was a way to perfect the County's lien position on the 2013 taxes which will soon be due. If the County does not perfect its lien it will lose the interest.

Treasurer Hansen said that the taxes were not delinquent on the property at the time of bankruptcy, so the County did not file a claim. He is unsure what needs to be done at this point. It was suggested to have Attorney Waddingham look into the County's options with this.

Sheryl Dekker, County Planner, requested an agenda item be added to the next meeting regarding closure/post closure costs. Commissioner Roper said that he appreciates the landfill in Fillmore changing the dates of operation from Thursday, Friday and Saturday to Friday, Saturday and Monday. So far it seems to be working pretty well.

RATIFY THE SIGNING OF THE GRANT WITH THE SHERIFF'S OFFICE AND USDA FOREST SERVICE

Commissioner Withers made a motion to ratify the grant with the Sheriff's Office and USDA Forest Service.

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

RATIFY THE ADOPTION OF AMENDING THE OFFICIAL ZONING MAP BY ORDINANCE 13-07-16, AN ORDINANCE AMENDING THE COUNTY CODE OF MILLARD COUNTY, UTAH BY AMENDING THE OFFICIAL ZONING MAP OF MILLARD COUNTY FOR A 40-ACRE PARCEL OF PROPERTY BELONGING TO JON D. COREY AND KRISTIN P. COREY FROM AG20 (AGRICULTURAL - 20 ACRE) TO AI (AGRICULTURE INDUSTRIAL)

Commissioner Roper said that he thought there were some people who were unhappy about the zone change. Commissioner Smith said that the Planning and Zoning Board asked why the Commission approved the zone change when they were given an unfavorable recommendation, due to some issues that need to be addressed. Commissioner Smith informed them that those issues

would be addressed during the conditional use process. The motion passed was only to change the official zoning map.

Commissioner Roper made a motion to ratify the adoption of amending the official zoning map by Ordinance 13-07-16, an ordinance amending the County Code of Millard County, Utah by amending the Official Zoning Map of Millard County for a 40 acre parcel of property belonging to Jon D. Corey and Kristin P. Corey from AG20 to AI.

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

ACCEPTANCE OF INTERIM SUCCESSORS FOR COUNTY OFFICIALS

This item was tabled.

APPROVAL OF THE 2012 INDEPENDENT AUDIT

Commissioner Withers made a motion to approve the 2012 Independent Audit.

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

ANNOUNCEMENT OF THE NEW COUNTY ROAD SUPERVISOR

Commissioner Withers said that Brandon Winget was offered and has accepted the position as the County Road Supervisor. He will begin work on Monday, July 22, 2013. Thayne Henrie retired on July 11, 2013.

DISCUSSION OF PLACING FLASHING LIGHTS ON THE STOP SIGNS AT THE INTERSECTION OF FLOWELL ELECTRIC

There were several requests from Flowell residents to have flashing lights placed on the stop signs at the intersection by Flowell Electric. Commissioner Withers will follow up with this matter.

Commissioner Withers made a motion to purchase two sets of flashing lights to be placed on the intersection by Flowell Electric.

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

REVIEW AND POSSIBLE APPROVAL OF A MINOR SUBDIVISION, HAVING RECEIVED A FAVORABLE RECOMMENDATION FROM THE MILLARD COUNTY PLANNING COMMISSION ON APPLICATION #Z-2013-014 FOR A PROPOSED MINOR SUBDIVISION FOR THE PURPOSE OF DIVIDING A FORTY - ACRE PARCEL INTO TWO PARCELS (ONE, ONE -ACRE AND ONE THIRTY-NINE - ACRE PARCEL) LOCATED AT 1350 N 500 W, DELTA, UTAH, RICHARD L. BISHOP (BISHOP FARMS) - APPLICANT

Ms. Dekker said that Mr. Bishop has a piece of property with a home on it and he would like to build a new home on the property, which would require a minor subdivision. The Planning Commission made a favorable recommendation. Ms. Dekker explained that you cannot put more than one home on a parcel of property that is being taxed on the tax rolls. She said that it is not a platted subdivision. The limit for a minor subdivision is nine lots or less. This property will be located in the agriculture zone.

Commissioner Withers made a motion to approve a minor subdivision, application #Z-2013-014, for the purpose of dividing a 40-acre parcel into two parcels (one, 1- acre and one, 39 - acre parcel) for a minor subdivision.

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

REVIEW AND POSSIBLE APPROVAL OF A MINOR SUBDIVISION, HAVING RECEIVED A FAVORABLE RECOMMENDATION FROM THE MILLARD COUNTY PLANNING COMMISSION ON APPLICATION #Z-2013-015 FOR A PROPOSED MINOR SUBDIVISION FOR THE PURPOSE OF DIVIDING AN EIGHT - ACRE PARCEL INTO TWO PARCELS (ONE, ONE - ACRE AND ONE, SEVEN - ACRE PARCEL) LOCATED AT 3005 W 4000 S, OASIS, UTAH STEVEN J. WILLOUGHBY - APPLICANT

Ms. Dekker explained that at one time the County Zoning Ordinance allowed for a mother-in-law home on a parcel of property. Steven J. Willoughby had a mother-in-law home on his property and when it was not being used anymore he complied with the ordinance and removed the home from the property. Now his daughter-in-law would like to put a home on the property. He was informed that he would have to divide the property as a minor subdivision before he could place another home on the property. The Planning Commission forwarded a favorable recommendation.

Commissioner Roper made a motion to approve a minor subdivision, application #Z-2013-015, for the purpose of dividing an 8-acre parcel into two parcels (one, 1-acre and one, 7- acre parcel).

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

DISCUSSION AND POSSIBLE APPROVAL OF A BUSINESS EXPANSION & RETENTION (BEAR) GRANT APPLICATION WITH THE GOVERNOR'S OFFICE OF ECONOMIC DEVELOPMENT

Linda Gillmor, Millard County Economic Development Director, presented an invoice representing what the reimbursement for the fourth quarter of last year's contract amount was from the State. She said that there is no cost to the County for the BEAR visits.

She said that the BEAR grant from last year helped with participation in a career fair at the Delta Technical Center for all County junior and senior students, as well as host the UMA Golf Tournament and Industry Summit at the County golf course and fair building during the fourth quarter of the grant cycle. This has been a good program for the State and they are open to

continuing the program with the County.

Ms. Gillmor presented a new BEAR grant application in which she is asking for \$4,000.00 more in funding this year than last year. She explained what they plan to do differently this year from last year to warrant the increase. She said that they would like to do an Economic Gardening program, which will be a benefit to the County. She also said that all of the up front costs to the County will be reimbursed.

Commissioner Roper made a motion to approve a BEAR grant application with the Governor's Office of Economic Development.

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

DISCUSSION AND POSSIBLE APPROVAL OF OUT OF STATE TRAVEL FOR LINDA GILLMOR, MILLARD COUNTY ECONOMIC DEVELOPMENT (MEDA) DIRECTOR, TO PRESENT AT THE NATIONAL CAREER PATHWAYS NETWORK CONFERENCE

Ms. Gillmore said that she and two other participants from Utah were invited to give a presentation in San Antonio, Texas. She said that so far they have been able to accomplish some good things in such a small area with the BEAR program.

Ms. Gillmore said that they will present at the Workforce and Economic Development Solutions part of the conference. The conference theme is Career Pathways, Linking Education and Economic Prosperity. She said that it is an honor for the County to be able to showcase what it has accomplished. There will be other presentations at the conference which will help the County actually market the certificates by getting the students taking the classes and getting jobs.

She feels that this will benefit the County and get it moving in the right direction. Commissioner Roper said that he feels that this is the right direction the County needs to be going.

Ms. Gillmore said that there is enough money in the Economic Development budget to cover this travel as well as the budget for the rest of the year.

All three commissioners think that Ms. Gillmor does a great job and they appreciate all that she does. Ms. Gillmore will report on what she learns at the conference at a later commission meeting.

Commissioner Roper made a motion to approve out of state travel for Linda Gillmor, MEDA Director, to present at the National Career Pathways Network Conference.

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

PUBLIC INPUT

There was none.

OTHER BUSINESS

Commissioner Withers said that Sunrise Engineering will be doing the engineer work on the

public health building. They will prepare a contract and bring it for approval at a future commission meeting.

Commissioner Roper said that the East Millard Swimming Pool roof project is progressing well. They have most of the front sheeted work done. He said that he appreciates the building inspector who has come over every day to inspect the work. He said that they hope to have everything enclosed and sheeted by tomorrow evening, leaving only the metal skin to be placed.

He said that when they were taking the roof down the boys dressing room and lobby ceilings both came completely down. They thought that it would be good to sheet rock the ceiling in the lobby as a change order. They should have the bids in to finish the ceiling within the next three weeks.

Commissioner Smith confirmed that there will need to be a change order approved before additional work is done.

Commissioners Roper and Smith attended a Natural Resource meeting held in Oak City, Utah last week. Also in attendance were Leonard Blackham, Mike Styler, Dave Pace, Doug Heaton and a number of other people. Commissioner Roper said that it was a great opportunity. There were several organizations from the County who were involved. They had the chance to see what natural resources are available in the County. They learned that there was \$17,000,000.00 brought into the County over the last seven years with different projects.

Commissioner Roper said that the Miss Millard Pageant is scheduled July 20, 2013. They have several participants and it looks like it will be a good pageant.

Commissioner Roper said that he attended a Topaz Meeting yesterday. It was a good opportunity to explore some options. He said that he was impressed with Jane Beckwith's presentation, and hopes that the County can ban together and help the Museum get the \$600,000.00 that they still need.

Commissioner Smith was contacted by Kevin Morris, West Millard Maintenance Supervisor, who informed him that the swamp cooler in the Millard County Fair building broke down and will need to be replaced. He said that the cooler was originally donated by the Delta Egg Farm about 10 years ago. Now he is unable to find any parts to repair it. He said based on a few bids he received the amount to replace the cooler would be around \$5,000.00.

Commissioner Smith said that the money to replace the cooler will come out of Capital.

Commissioner Smith said that the races at the Delta race track Saturday were well attended. During the Millard County Fair, they will have another race, as well as a monster truck event. It was suggested to combine the events instead of having competing events. They discussed using some of the gate money they received to rent bleachers, which will allow accommodations for a bigger crowd.

Commissioner Smith presented a draft document of the purchasing policy to the commissioners. He said that there have been changes and comments made regarding the draft. They

will distribute a draft to the elected officials and will present it at the next commission meeting for possible approval.

All three commissioners and Auditor Grace will be attending the NACo Conference in Fort Worth, Texas, July 18 through July 23.

Commissioner Roper invited the other commissioners to attend breakfast on August 3, 2013 which will be prepared by members of the Millard County Commissioners.

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

Commissioner Smith attended the Governors Water Task Force meeting in Richfield last Tuesday. The Governor is trying to get input from citizens to try and address the future water needs of the State.

Comments made were in support of the water development in the area where the source of the water is located, as well as opposition of large transfers of ground water to other basins. The economic development of water in rural areas in the State are just as important as in urban areas. They believe that the law regarding water should be maintained as it is currently; that water is a property right and cannot be taken without compensation.

They also discussed the options of building storage facilities or increasing the capacity of reservoirs that are already on the Sevier River system. There were a few projects that were planned a long time ago that people would like to see followed through, but the water has already been completely appropriated in the system. They also discussed water conservation.

Commissioner Smith said that it was pretty well attended but it would be a good idea to encourage other commissioners from around the State to attend the meeting when it is held in their area.

POSSIBLE REVIEW OF COUNTY POLICIES AND CONTRACTS

The Commissioners are still working on the purchasing policy, the sexual harassment policy and the termination policy.

POSSIBLE CLOSED MEETING PURSUANT TO UTAH CODE ANNOTATED SECTION 52-4-204 & 205

Commissioner Withers made a motion to go into a closed executive session to discuss pending or reasonably imminent litigation.

Commissioner Roper SECONDED the motion. Commissioner Withers voted YES. Commissioner Roper voted YES. Commissioner Smith voted YES. The voting was unanimous and the motion carried.

After the closed executive session the regular meeting reconvened at 11:43 a.m..

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 11:44 a.m..

Attest: _____

Approved: _____