

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 19th DAY OF NOVEMBER 2013
AT THE COURTHOUSE, FILLMORE, UTAH

PRESENT: Daron P. Smith..... Chairperson
Alan M. Roper..... Commissioner

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

EXCUSED: James I. Withers..... Commissioner

ALSO PRESENT: Robert Dekker..... County Sheriff
Lindsay Mitchell..... Sheriff's Office
Dean Draper..... Chronicle Progress
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 the invocation. Everyone stood and said the Pledge of Allegiance to the Flag. Commissioner Smith excused Commissioner Withers who is out of the state today.

APPROVAL OF NOVEMBER 5, 2013 COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held November 5, 2013 were presented for consideration and approval. Commissioner Roper made a motion to approve the minutes of November 5, 2013, as presented.

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

FOLLOW UP ACTION ITEMS FROM NOVEMBER 5, 2013

There were none.

RATIFY THE SIGNING OF THE AMENDMENT CONTRACT WITH NRCS REGARDING EXTENDING THE DATE OF THE GRANT FOR THE OAK CITY FIRE

Commissioner Smith explained that this contract is for flood mitigation due to the Oak City fire.

Commissioner Roper made a motion to ratify the signing of the amendment contract with NRCS regarding extending the date of the grant for the Oak City Fire flood mitigation.

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

APPROVAL OF RESOLUTION 13-11-05A, A RESOLUTION OF THE MILLARD COUNTY COMMISSION AMENDING SECTION X-B. AND X-C. OF THE MILLARD COUNTY PERSONNEL POLICIES AND PROCEDURES MANUAL BY REVISING THE POLICY AFFECTING LEAVE AND CHANGING THE AMOUNT OF VACATION TIME AN EMPLOYEE CAN SELL BACK TO THE COUNTY IN ANY ONE CALENDAR YEAR

Attorney Waddingham explained that Section X-B. regarding leave was not included in the language on the agenda from the last meeting.

Commissioner Roper made a motion to approve Resolution 13-11-05A, a resolution of the Millard County Commission amending Section X-B. and X-C. of the Millard County Personnel Policies and Procedures Manual by revising the policy affecting leave and changing the amount of vacation time an employee can sell back to the County in any one calendar year.

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

DISCUSSION AND POSSIBLE APPROVAL OF A BUSINESS LICENSE FOR VIVINT INC. - OWNER, ALEX DUNN

A business license application was presented for Vivint Inc., a business that installs, services and monitors home automation systems. After review of the application and finding all signatures in order, Commissioner Roper made a motion to approve a business license for Vivint Inc. - owner, Alex Dunn.

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

DISCUSSION AND POSSIBLE APPROVAL OF A BUSINESS LICENSE FOR LIV LOVE - OWNER, JANET LOVE

This business license application was not available for approval at this time.

Commissioner Roper made a motion to table the approval of a business license for Liv Love, owner - Janet Love due to the application not being brought to commission.

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

DISCUSSION AND POSSIBLE APPROVAL OF A BUSINESS LICENSE FOR CORRPRO COMPANIES, INC. - OWNER, DAVID F. MORRIS

This business license application was not available for approval at this time.

Commissioner Roper made a motion to table the approval of a business license for Corrpro Companies, Inc., owner - David F. Morris, due to the application not being brought to commission.

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

Later, the business license applications for Liv Love, owner Janet Love and Corrpro Companies, Inc., Owner - David F. Morris were brought to the meeting for approval.

Commissioner Roper made a motion to rescind both of his motions to table the approval of a business license for Liv Love, owner - Janet Love and Corrpro Companies, Inc., owner - David F. Morris, due to the applications not being brought to commission.

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

A business license application was presented for Liv Love, a business that makes and sells coconut bath oils. After review of the application and finding all the signatures in order, Commissioner Roper made a motion to approve a business license for Liv Love, owner - Janet Love.

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

A business license application was presented for Corrpro Companies, Inc., a business that handles cathodic/corrosion protection services & material sales. After review of the application and finding all the signatures in order, Commissioner Roper made a motion to approve a business license for Corrpro Companies, Inc., owner - David F. Morris.

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

DISCUSSION AND POSSIBLE APPOINTMENT OF A REPRESENTATIVE TO SERVE ON THE MILLARD CARE & REHABILITATION BOARD TO REPLACE WAYNE JACKSON

Commissioner Roper said that Craig Bartholomew has agreed to serve out Wayne Jackson's

term on the Millard Care & Rehabilitation Board.

Commissioner Roper made a motion to appoint Craig Bartholomew to serve on the Millard County Care & Rehabilitation Board to replace Wayne Jackson.

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

DISCUSSION AND POSSIBLE APPROVAL OF THE STATE CONTRACT FOR A BUSINESS EXPANSION AND RETENTION APPLICATION (BEAR), BETWEEN MILLARD COUNTY AND THE STATE OF UTAH DEPARTMENT OF GOVERNOR'S OFFICE OF ECONOMIC DEVELOPMENT

Commissioner Smith explained that this is for a program that Linda Gillmor, Millard County Economic Development Director, has been working on with the State. The County gets reimbursed for the visits that she makes to existing businesses on behalf of the State. This contract is an ongoing contract renewal.

Commissioner Roper made a motion to approve the State contract for a BEAR application between Millard County and the State of Utah Department of Governor's Office of Economic Development.

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

DISCUSSION AND POSSIBLE APPROVAL OF A BILLING SERVICE AGREEMENT BETWEEN PACIFICORP AND MILLARD COUNTY

Commissioner Smith explained that the County currently has a contract with Pacificorp for billing landfill services on its power bill. Pacificorp charges the County a fee for this service and would like to increase that fee, as well as change the provision in the contract for how it receives the billing service fee.

Attorney Waddingham would like to take some time to compare the new contract with the old contract before the Commission makes a decision.

Commissioner Roper made a motion to table the approval of a billing service agreement between Pacificorp and Millard County.

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

DISCUSSION AND POSSIBLE RENEWAL OF THE PUBLIC DEFENDER'S CONTRACT

Attorney Waddingham said that he modified the contract by taking out the paragraph that discusses conflict counsel. He added a clause that Millard County will contract with a separate licensed attorney to provide conflict counsel for public defender services. He said that he thinks that the contract for conflict counsel will be over \$5,000.00 so it would need to be bid out or at least get

telephone bids.

Attorney Waddingham talked to Juab County Attorney, Jared Eldridge, who provided him the name of a person from the defense bar who would send a list of emails for criminal defense attorneys, if the County chose to publish the position.

Commissioner Roper made a motion to table the renewal of the Public Defender's contract, but to move forward with the bidding process for conflict counsel.

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

DISCUSSION AND POSSIBLE APPROVAL OF AMBULANCE ABATEMENTS

Lindsay Mitchell presented two ambulance settlement offers she received from the County's collection agency, Mountain Land Collections. She said that attorneys submitted the offers on behalf of their clients.

The first offer was on behalf of Jacob Cook. Mr. Cook had an ambulance bill from October 2, 2010 in the amount of \$3,705.83. This bill was sent to collections on May 13, 2012. Mr. Cook's attorney is asking that the County accept \$1,111.75.

Commissioner Roper made a motion to accept the offer on Mr. Cook's ambulance bill in the amount of \$1,111.75.

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

The second offer presented was on behalf of Todd Handley. Mr. Handley had an ambulance bill from March 29, 2012 in the amount of \$1,489.20. This bill was sent to collections on February 8, 2013. Mr. Handley's attorney is asking that the County accept \$453.87.

Commissioner Roper made a motion to accept the offer on Mr. Handley's ambulance bill in the amount of \$453.87.

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

DISCUSSION AND POSSIBLE RENEWAL OF A SPEED ENFORCEMENT CONTRACT - SERGEANT GREG KELSEY

Sgt. Kelsey went over the contract and explained the progress of the program. He said that the program is successful. He also said that in 2011 Millard County was ranked the lowest (best) in safety by Highway Safety. Millard County was below the State average in every category except one, which in this case is a very good thing.

Commissioner Smith said that the County has been trying to work with the school district for a couple of years to get resource officers in the high schools. He said that he noticed that the speed enforcement contract was down a little this year and suggested to renew the speed enforcement contract for \$50,000 instead of \$100,000, and use the remaining \$50,000.00 to fund resource officers in the schools.

Sgt. Kelsey said he would hesitate to have the contract renewed as low as \$50,000.00, but

he understands the County's position. He suggested to contract for no lower than \$75,000.00 to maintain the average levels.

Commissioner Smith said that the County appreciates the numbers provided on safety with the highway patrol. He said that the County's concern is health, safety and welfare and they feel that they need to address the safety in our schools.

After further discussion the Commission decided that it would like to review the contract and will make a decision at a later commission meeting.

DISCUSSION WITH ROB BLISS

Rob Bliss discussed his real property taxes and his personal property taxes with the Commission. He said that in 2008 or 2009 he built a building for bee keeping on his property. He received his property taxes and noticed that they valued his building at \$400,000. He went in and talked to the assessor's office and told them that the building did not cost that much to build. He was told that there was nothing the assessor's office could do because that is the amount for which it was assessed. He said that at the time he was making money so he just paid the taxes.

This year he noticed that his tax amount basically doubled. He went back to the assessor's office to find out why it doubled and was told that it was a mistake and that it would go back to the amount he was previously paying. He told the assessor's office again that the value they placed on his building was too high. Assessor Mains and Deputy Assessor Margene Stevens went out and reassessed his property and found that it was valued too high.

Mr. Bliss asked if the County would reimburse him some or all of the money he has overpaid over the past four or five years.

Mr. Bliss also discussed his personal property taxes and asked why he was being charged personal property taxes when his business is considered agriculture. He gave examples of other similar businesses who are considered exempt on personal property taxes.

Commissioner Smith explained that if Mr. Bliss feels that he is being treated unfairly with his personal property taxes he has the right to appeal his current status to the State Tax Commission and let them decide.

Commissioner Roper said that it appears that other counties have a different prospective on what business types are considered exempt.

Pat Manis explained that he does not understand how the State categorizes a business, but suggested that Mr. Bliss file his appeal as soon as possible.

Commissioner Roper said that he hopes that Assessor Manis can help him solve the property tax issue for this year. He also said that regarding the past year's taxes the County has a hard time deciding if the amount he has paid was too high.

Commissioner Smith said that they have to assume that whoever did the assessing on his property, at that time, assessed it correctly. He said that there is some responsibility to the home owner to bring his/her concerns before the appeal process if they feel that they are being over assessed.

Commissioner Smith explained that the process does not allow the Commission to go back to previous years since those years have already been closed.

Commissioner Roper said that he understands where Mr. Bliss is coming from since he did come in year one with his concern. He said that he understands what position the County is in as

well but he feels that something needs to be done because clearly there is an issue.

Attorney Waddingham asked Mr. Bliss if he ever protested before the Board of Equalization. Mr. Bliss said that he had not.

The Commission would like to take some time to look into what it can do for Mr. Bliss and will get back to him with a decision at a later date. It was also suggested that he protest his valuation with the State Tax Commission.

POSSIBLE BOARD OF EQUALIZATION (BOE) DISCUSSION AND OR ACTION

Commissioner Roper made a motion to strike the BOE from the agenda.

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

PUBLIC INPUT

Dean Draper, Chronicle Progress, questioned the process of transferring funds from one fund to another during the budget process. He said that the troopers on the highways and being present throughout the County as well as present in the schools is more important than having mag chloride on the roads. He discussed with the Commission his issues with mag chloride being placed on the roads. He said that it is eating up his vehicle. Commissioner Smith explained to Mr. Draper why the County puts mag chloride on the roads and the process of being able to transfer funds from one fund to another.

Mr. Draper suggested to stop putting mag chloride on the roads and instead use the money towards funding security in the schools.

The Commission will look into Mr. Draper's complaint regarding the mag chloride on the roads.

OTHER BUSINESS

Commissioner Roper attended the Utah Economic Development Corporation's annual meeting. The County had a table at that event, which was purchased through Economic Development.

Russ Cowley and Emery Polelonema with Six County AOG, attended the meeting, as well as several county people who were involved.

Commissioner Roper said that it was a good meeting and it seems that the State is on the right track. He said that he feels good about the direction the County is going.

Commissioner Roper visited with Russ Fotheringham, Economic Development Director of Utah. Mr. Fotheringham was very complimentary on the things that are happening in Millard County. They also discussed the things that cannot happen in Utah County due to legislation.

Commissioner Roper said that Mr. Fotheringham thinks a lot of things will be coming Millard County's way.

Commissioner Roper said that Scott Anderson, CEO of Zions Bank, was elected the new chairman and he thinks that Mr. Anderson will be good for Millard County.

Commissioner Roper attended the Veteran's dinner. They expressed their appreciation to the County for contributing \$200.00 towards the dinner this year.

Commissioner Roper visited with the Conservation District on both sides of the County regarding the additional cost of \$600.00 for the secretary. He said that the \$600.000 indirectly goes to the secretary. The administration duties that she now has to do costs more to administrate her position, prompting the additional \$600.00.

Commissioner Roper attended a meeting with the BLM.

Commissioner Roper met with representatives from the Long Ridge Wind Energy project and discussed their goals and challenges.

Commissioner Roper said that the Commission is invited to the Six County Economic Development District Annual Recognition Banquet on December 4, 2013, at the Sevier County Fair Grounds. They will be honoring Quality Market for the project they have done and the business they have provided in the County.

Sheriff Dekker presented step and grade increase requests for the commissioners to approve.

Commissioner Smith said that he received a letter from Delta High School Principal Fowles regarding a meeting he had with Sheriff Dekker. Principal Fowles and other school officials have expressed their appreciation to Sheriff Dekker and the County for being willing to support having resource officers in the schools.

Sheriff Dekker said that he has located some training that would be available for one or two officers to attend so they would be trained as SROs. He said that one guy is not going to be able to cover the program. If he could pull two officers it would help the program. He said that he has only heard good things about the program throughout the State. He would like to get the officers trained so they can move forward with this program.

Commissioner Smith said that they would discuss this program further once Commissioner Withers returns.

The Commissioners approved Treasurer Hansen abating the property taxes on the gravel pit previously owned by ADF Holdings from the date the County purchased it.

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

Commissioner Smith attended the UAC conference in St. George, Utah, Wednesday, Thursday and Friday. He said that it was a good conference. There were a number of issues discussed in the commissioner's forum and the whole UAC body. One of the issues was regarding a proposal to increase the fuel tax 3% in our county. Half of that amount would be distributed by the Statewide C&B Road fund; the other half would be distributed by the County. This would be a tax to help maintain transportation in the county.

Commissioner Smith said that Auditor Grace was elected the president of UAC and will serve in the coming year. The commissioners support Auditor Grace with her election.

Commissioner Roper met with the Fillmore City Planning and Zoning Commission to discuss a possible conditional use permit for the Fillmore Public Health building the County wants to construct. They will meet again in a week to make a decision.

He said that the only issue is that the County has not signed the paperwork with Reverend Beckwith at this point for the purchase of the property.

The Commissioners discussed meetings they have scheduled for the following week, including a fire meeting, a mental health meeting and a meeting with the Sheriff to discuss his budget.

Commissioner Smith reminded the Commission that open enrollment for employees will be held Wednesday, November 20 in Fillmore and Thursday, November 21 in Delta.

The county employees attended a sexual harassment and other harassment training provided by UCIP on November 12, 2013.

POSSIBLE REVIEW OF COUNTY POLICIES AND CONTRACTS

There was none.

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

Commissioner Roper made a motion to go into a closed executive session to discuss reasonably imminent litigation.

Commissioner Smith stepped from the chair and **SECONDED** the motion. Present in the closed session were Commissioner Daron Smith, Commissioner Alan Roper, Attorney Richard Waddingham and Deputy Clerk Marki Rowley. Both commissioners present voted in favor of going into a closed session.

After the closed executive session the regular meeting reconvened at 12:08 p.m..

WHERE UPON THE MEETING ADJOURNED

Commissioner Roper made a motion to adjourn the meeting.

Commissioner Smith stepped from the chair and **SECONDED** the motion. The voting was unanimous and the meeting adjourned at 12:16 p.m..

Attest: _____

Approved: _____