

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 20th DAY OF MAY 2014
AT THE COURTHOUSE, FILLMORE, UTAH

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

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

ALSO PRESENT: John & Marilou Heath, Joshua Tolley, Ralph & Tom Lund and
Miriam & Elise Waddingham Citizens
Laurel Eliason and Todd Anderson Deseret Heritage Association
Bonnie Gehre Auditor’s Office
Wayne Jackson Military Liaison
Deb Haveron Justice Court
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 Roper to the public and Commission members.

OPENING STATEMENTS

Commissioner Roper asked if anyone had an opening statement to give. Commissioner Withers read a quote from Thomas Jefferson: “With all the imperfections of our present government, it is without comparison the best existing, or that ever did exist.” Commissioner Roper said the invocation. Everyone stood and said the Pledge of Allegiance to the Flag.

APPROVAL OF MAY 6, 2014 COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held May 6, 2014 were presented for consideration and approval. Following review and consideration of minor corrections, Commissioner Withers made a motion to approve the minutes of May 6, 2014, as corrected.

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

FOLLOW UP ACTION ITEMS FROM MAY 6, 2014

Commissioner Roper said that the contract with the Great Basin BMX was signed and will be filed in the Clerk's Office. He also said that the letter to Great Basin Heritage has not been drafted yet but he will get with the commission secretary to get that done.

DISCUSSION AND POSSIBLE APPROVAL OF A MEMORANDUM OF AGREEMENT WITH THE UTAH STATE LIBRARY DIVISION

Chief Deputy Bonnie Gehre presented the Memorandum of Agreement with the Utah State Library Division for the bookmobile services in the amount of \$108,766.00.

Commissioner Roper said that he has had some citizens express concerns regarding the cost for the bookmobile services.

After discussion it was decided to have Jennifer Tolbert, who is the new bookmobile representative, to come to a future commission meeting to give an update on the bookmobile services.

Commissioner Smith made a motion to approve a Memorandum of Agreement with the Utah State Library Division in the amount of \$108,766.00 for bookmobile services from July 1, 2014 through June 30, 2015.

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

DISCUSSION AND POSSIBLE APPROVAL OF AN INVOICE FOR AMERICAN LANDS COUNCIL FOR SILVER MEMBERSHIP

Commissioner Smith said that the American Lands Council is wanting the County to participate at a silver membership in the amount of \$5,000.00. The County has been participating at a lower level in the amount of \$1,000.00.

Commissioner Withers said that he has a concern as to who will be the spokesman on this group. He said that the County should be careful when moving forward with this. He said that he believes in their cause and thinks that the State should have rights over its property. He said that when people get talking too much it sometimes turns things in the opposite direction of what was intended.

Commissioner Withers said that after researching, he feels pretty comfortable in the direction the American Lands Council is moving and would like to support them. He said that \$5,000 is a lot of money but if it can move the cause forward for State's rights and give them the ability to manage the land as it should be, he feels that they should do something. Commissioner Roper said that he feels like the County is doing something at the \$1,000.00 level.

Commissioner Smith said that he thinks it will be worth it. There has been quite an effort

with it going quite a bit further than it had in the past. He said that he visited with other commissioners involved and Alan Gardner from Washington County, as well as other commissioners, feel that this is a good deal. He said that he likes the public process that they are going through to address all of the issues.

Commissioner Smith made a motion to approve an invoice for American Lands Council for a Silver Membership in the amount of \$5,000.00 for the next year.

Commissioner Withers SECONDED the motion. The motion passed by a majority vote.

DISCUSSION AND POSSIBLE APPROVAL OF FULLER FAMILY FARMS, LLC SUBDIVISION

Commissioner Withers made a motion to table the approval of the Fuller Family Farms, LLC Subdivision.

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

OTHER BUSINESS

Chief Deputy Gehre presented a request for a bank card for Karen Banks, USU Extension, who replaced Bobbette White, and for Terry Scottorn, Weed Supervisor, in the amount of \$1,000.00. Commissioner Withers said that he would need to visit with the Weed Board before approving a card for Mr. Scottorn.

Commissioner Smith made a motion to approve a credit card for Karen Banks in the amount of \$1,000.00.

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

Chief Deputy Gehre informed the Commission that the check paid to General Communications Incorporated dated November 2012 for the Justice Court software recording system is still outstanding.

The commissioners suggested to visit with Attorney Waddingham regarding this issue.

Later, Judge Haveron explained that they went through a nightmare to get the two sides of the County Justice Court recording systems in. She said that she ordered the system several months in advance and the day before the recording system was needed they had no recording system. She called General Communications Incorporated and told them that they needed the system installed that day. The CEO called her back and told her that they would be there that same day to get it all installed. She said that this company only did the software and she had a local company do the hardware because their bid was cheaper for the hardware.

Judge Haveron said that she saved all of the correspondence made between her and the company. She said that the bid they quoted was for \$2355.00 for each office, but when she got the

invoices for the software, Delta was \$4,695.82 and Fillmore was \$4,635.82. She talked to Attorney Waddingham and Auditor Grace and informed them that they had billed far more than what they bid. She showed them all of the correspondence that she had saved and it was determined that what was paid was fair based on the bid. The County paid this company based on what they had bid.

Judge Haveron said that the Auditor's Office has a policy that if a check has not cleared after so much time they send a letter to the check holder stating that the check had not been cleared yet. The Auditor's Office sent the letter to this company and received no response. The check is no good after 90 days from the date it was issued. It was decided that since it has been over 2 years the check would be voided.

Chief Deputy Gehre presented a cell phone allowance request for Jason Ashby in the Sheriff's Office.

Commissioner Smith made a motion to approve a cell phone allowance for Jason Ashby in the Sheriff's Office, in the amount of \$40.00.

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

Chief Deputy Gehre submitted the declaration of regularly scheduled work periods for public safety officers of 80 or 84 hours per pay period depending on the position. This is the State's requirement for URS.

DISCUSSION AND POSSIBLE APPROVAL OF A PROPERTY TAX ABATEMENT FOR RALPH LUND

Ralph Lund and his son Tom Lund discussed Ralph Lund's property taxes with the Commission. The property taxes in question were for Parcel #8304, account #0035791 and Parcel # 7918, account # 0031279. Mr. Lund said that the property was supposed to be on green belt and for some reason it was removed from green belt one year. The property has since been added back to green belt.

Tom Lund said that they do not mind paying the green belt taxes but asked if the County would abate the taxes owed for the year that the parcels were dropped off green belt.

Commissioner Smith said that the County is always willing to work with the people. Commissioner Withers said that he feels it would be fair to abate the amount owed down to the amount it would have been if it was on green belt. Commissioner Roper questioned if doing that is consistent with what they have done in the past. Commissioner Withers said that they always try to do what is fair and he would think doing this would be consistent.

Commissioner Withers made a motion to abate the 2010 property tax for parcel number 7918 in the amount of \$120.00 leaving a balance owed of \$110.72 and abating \$725.00 leaving a balance owed of \$186.13 on parcel number 8304.

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

REVIEW AND POSSIBLE APPROVAL OF FINAL PLAT FOR MAJOR SUBDIVISION APPLICATION #Z-2014-014 FOR DESERET HERITAGE PARK SUBDIVISION LOCATED AT 3500 W 4500 S (OLD MILLARD COUNTY FAIRGROUNDS) DELTA GRID. DESERET HERITAGE ASSOCIATION - OWNER

Todd Anderson asked what the commissioners think that they need to do to get an approval. Commissioner Smith presented the plat and said that the Planning and Zoning Board gave a favorable recommendation with the condition that the language be added that the County never be responsible to pave the road.

Ms. Eliason said that engineers could have added that language, but they put the language on the plat that was in the ordinance. She questioned how they could put that language on the plat without having to go get the signatures again.

Attorney Waddingham said that they could put a statement on the plat that says “see addendum” which would contain the appropriate language and would be recorded with the plat, or they could add the language to the plat.

Mr. Anderson and Ms. Eliason discussed with the commissioners what is required to move forward with this subdivision including surety, improvement requirements and construction. There was a question on the amount of surety that would need to be posted. Mr. Anderson read from the draft ordinance (which later was discovered was not the current ordinance) and questioned why they would have to put up 10% of improvements when everything would be paid for up front, leaving only the road which will be put in by the County.

Commissioner Roper said that there needs to be some kind of coverage to protect the County. Mr. Anderson said that he agrees, but if there is a problem with the utilities it would come back on the providers who put in the lines.

Commissioner Smith said that if for some reason it fails, they would come after the County since the County donated the property.

Ms. Eliason said that she would be willing to put up 10% for improvements if required. She said that they have the money to put the utilities on the property but needs the approval to move forward before she pays those companies. She said that the utility companies came down on their prices a lot which would put the estimates a lot lower than what the original estimate was.

Commissioner Roper said that the 10% bond will protect the County. He said that they would require the same from someone else coming in requesting the same kind of thing.

Attorney Waddingham recommended to approve the plat with the language requested to be added and conditional upon considering the final language regarding the surety.

Commissioner Smith made a motion to approve a final plat for major subdivision application #Z-2014-014 for Deseret Heritage Park Subdivision. Deseret Heritage Association - owner, with the condition of adding the language that will relieve the County of ever having to pave the road and that if the County’s policy requires a 10% surety bond on the utilities for the whole project that it be paid. Also to give the chair the authority to sign the final plat when all of the conditions have been met.

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

PUBLIC INPUT

Josh Tolley said that he appreciates having watched some of what has gone on in today's meeting. He said that he has thought a lot about what he was going to say and hopes that it comes out the way he intended.

Mr. Tolley said that Senator Rand Paul stood up in a meeting holding up a 600 page law that he was meant to sign off on in an hour or two and said that he did not think it was right to sign off on something that has not been read or understood. Mr. Tolley said that you need to read what you are voting on before voting on it.

Mr. Tolley referenced a quote by James Madison: "It will be of little avail to the people that the laws are made by men of their own choice if the laws be so voluminous that they cannot be read, or so incoherent that they cannot be understood." Mr. Tolley said that it does not matter who runs the ship, if the laws that are passed are so confusing and cannot be understood or voluminous that they cannot be read.

Mr. Tolley said that he appreciates that the commission wants to do what is right. He said clearly there is nobody sitting up there trying to run the County into the ground and he appreciates that. He said despite the unpleasures of running a tight ship, they need to read what they pass.

Mr. Tolley said that in October of 2013 the three commissioners voted in favor of a law that, in his opinion, says that his 10 chickens are considered a feeding operation. He said that he would have to get a conditional use permit to have any more chickens. He said that is what the law says now, and it disturbs him that they do not always read what they pass.

The commissioners explained that they did read the ordinance and explained how they came to the decision regarding the chickens. Mr. Tolley gave examples of his point including that there are a lot of things happening that represent his interest.

Mr. Tolley said that the commissioners are voted in to represent the County's interest. He said that the commissioners are the executives of the County who have the power to make the laws and the responsibility to see that those laws are enforced. He said that if there is a law on the books that they do not want to enforce they should not have it on the books. He also said that if you do not understand a law it should not be on the books either. Mr. Tolley said that if you cannot find the time to read and understand the law please fix that.

Commissioner Roper said that they appreciate all the citizens who come in and express their concerns. He said that because of those who expressed their concerns the commissioners have made the decision to take another look at the ordinance.

The commissioners are looking at every issue brought up in the public hearing that was previously held. He said that they represent a lot of people and there has been a lot of people who have expressed appreciation for the zoning ordinance. He said that if there needs to be changes made they will definitely look into making those changes. If the current ordinance does not fit, they certainly want to make improved changes. He said that this is how the process works, by the people stating and voicing their concerns, and he appreciates those willing to come in and voice those concerns. He said it helps to have critique so the County can move in the right direction.

Attorney Waddingham said that he appreciates Mr. Tolley's opinions. He said that there are problems when there are too many drafts floating around that creates a lot of confusion as it did today. He said that he wants to see that everyone is all on the same page.

Mr. Tolley said that the ordinance regarding the chicken law has been listed as pending

codification since October by the codification people. He asked why that is. Attorney Waddingham said that he would have to ask if they put the interim ordinances in the codification. He said that once an ordinance is passed the County sends it to Sterling Codifiers to put in the code of ordinances.

Wayne Jackson reported on the Memorial Wall. He said that they will add dates and will start setting stone Saturday. They have until June 1, 2014 to have the rest of the eras done, minus global war on terror.

Mr. Jackson said that Honor Flight, which is a veteran's flight to the nations capital, has set a date of September 16, 2014. There are 12 veterans who will be going. Mr. Jackson and Craig Bartholomew will be going as chaperones for two of the veterans who need them. Everyone agreed that this is a great program.

Mr. Jackson said that they dedicated the Freedom Memorial Friday night. He said that it is now coming to our schools and asked that they back them 100 % when they do come to the schools.

OTHER BUSINESS CONTINUED

Treasurer Hansen wanted clarification on the action made on Ralph Lund's parcels. Commissioner Roper explained that it was a guestimate of what would have been taxed if the parcels were on the green belt. Treasurer Hansen said that figures have changed since this bill was printed. Commissioner Smith said that they are just abating \$120 on parcel #7918 and \$725 on parcel #8304. The balance owed would be \$110.72 and \$186.13, respectfully, which will take care of the three year's taxes on the parcels.

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

Commissioner Smith said that they met with Frontier Communication regarding updating the telephone system in both the Delta Office and the Courthouse on Main Street. They are going to get back to the County with some proposed dates.

Commissioner Withers said that he and the other commissioners met with the residents of the Sands Apartments in Delta and addressed a few of their concerns. He said that they have a pending meeting with the Millard County Housing Authority Board to discuss this further.

Commissioner Withers attended a Rodeo meeting. He said that things are in place and moving forward. The Days of the Old West Rodeo will be held June 13,14 and 15 this year.

Commissioner Withers said that he and the other commissioners had a meeting with Oak City regarding the proposal about bidding out phase II of the project. They discussed moving forward with the project due to an imminent threat to the health, safety and welfare of the residents, using the same construction company who did Phase I with the same unit price. He said that Oak City

Town Council was on board with that as well.

Commissioner Withers will be attending an update meeting for that project Thursday at 10:00 a.m.

Commissioner Withers said that there will be a Sufco Mine meeting May 28, 2014. He said that the commissioners will also be attending a CIB meeting on May 29, 2014 to discuss the CIB loan grant for the public health building to be built in Fillmore.

Commissioner Roper said that Pahvant Builders asked if they would be charged for a building permit. The commissioners thought that the City may be willing to waive that cost. He said that Pahvant Builders would like to start the project on May 30, 2014. Commissioner Roper informed them that may not be possible due to the time it will take to get the paperwork finalized. Commissioner Roper said that they need to make sure that the contract is ready to go.

Commissioner Roper met with Fillmore City regarding the conditional use permit required for the public health building. They put the County on the agenda for a public hearing in June.

Commissioner Roper said that he and the other commissioners will meet with Sunrise Engineering later this afternoon to discuss the possibility of Sunflower Lane Road.

The Commissioners will meet with Linda Gillmor, Economic Development Director, this afternoon to discuss Economic Development.

Attorney Waddingham presented the contract with Great Basin BMX for filing.

Commissioner Smith said that there will be a Golf Committee meeting in the Delta Office on May 29, 2014.

Commissioner Roper said that the Planning and Zoning Board reviewed the sign ordinance and will have it on their agenda on their next meeting. They discussed the section of the code and what it means. They also discussed taking parts out of the ordinance and having it still work. They will look at sections one at a time, when issues come up, to make sure that fits their original thinking.

Commissioner Withers asked Attorney Waddingham about the insurance for the Senior Citizens Board. Commissioner Roper said that he spoke with Six County AOG and found that they no longer have funding to cover the insurance for the Boards. They did not think that it would be an issue and thought that it would come under County jurisdiction.

Attorney Waddingham said that the Board has its own corporate organization and by-laws, so they should be getting their own insurance. Commissioner Roper said that they are looking into what they can do.

POSSIBLE REVIEW OF COUNTY POLICIES AND CONTRACTS

There was none.

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

There was none.

WHERE UPON THE MEETING ADJOURNED

Commissioner Smith made a motion to adjourn the meeting.

Commissioner Withers SECONDED the motion. The voting was unanimous and the meeting adjourned at 12:08 p.m..

Attest: _____

Approved: _____