

MINUTES OF BOARD OF COUNTY COMMISSIONERS  
MILLARD COUNTY THE 17th DAY OF NOVEMBER 2015  
AT THE COURTHOUSE, FILLMORE, UTAH

PRESENT: James I. Withers ..... Chairperson  
Alan M. Roper ..... Commissioner  
Dean Draper ..... Commissioner  
  
Pat Finlinson ..... County Attorney  
Marki Rowley ..... County Clerk  
Lesli Shields ..... Deputy County Clerk

ALSO PRESENT: Landon Rowley ..... County Fire Warden  
Amanda Allen ..... Chronicle Progress  
Kevin Arrington ..... Sevier County  
Dani Hallows ..... Sevier County Miss Heart of Utah  
Brandy Grace ..... County Auditor  
Sheri Dearden ..... County Treasurer  
Pat Manis ..... County Assessor  
Margene Stevens ..... Deputy County Assessor/Appraiser

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 Withers to the public and Commission members.

OPENING STATEMENTS

Commissioner Withers asked if anyone had an opening statement to give. Commissioner Withers said the invocation. Everyone stood and said the Pledge of Allegiance to the Flag.

APPROVAL OF NOVEMBER 3, 2015, COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held November 3, 2015, were presented for consideration and approval. Following review and consideration of minor corrections, Commissioner Roper made a motion to approve the minutes of November 3, 2015, as corrected.

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

#### FOLLOW UP ACTION ITEMS FROM NOVEMBER 3, 2015

Commissioner Roper said that he followed up with Landmark Dividend and told them that the County is not interested in selling the cell tower on SR-99.

Commissioner Draper said that there are currently 27 categories, as per HB23, for the Resource Management Plan (RMP) required by the State. He said that may change to 28 categories because there is talk of giving "air" its own category.

Attorney Finlinson said that he was unable to prepare the Memorandum of Understanding (MOU) between Millard County and the Pahvant Senior Center because of time constraints. He said that he will have it prepared by the Pahvant Senior Center's next board meeting.

Commissioner Roper said that he would like to be a part of creating the MOU.

Commissioner Roper said that he and Klint Penney, Maintenance Supervisor, met with Eldon Frampton, Pahvant Senior Center Board President, regarding the issues that were discussed at the last commission meeting. Mr. Penney and Mr. Frampton are working together on those issues.

Commissioner Roper said that the front door of the Senior Center needs replaced and he will contact Auditor Grace to discuss the availability of funds.

Commissioner Draper said that he was nominated to be a member at large for the Utah Counties Indemnity Pool (UCIP); however, he was not elected.

#### DISCUSSION AND POSSIBLE APPROVAL OF FUNDING FOR THE MISS HEART OF UTAH PAGEANT - DANI HALLOWS

Dani Hallows, Director of the Miss Heart of Utah Pageant, and Kevin Arrington, Sevier County Tourism, discussed the Miss Heart of Utah Pageant with the Commissioners.

Mr. Arrington said that the Miss Heart of Utah Pageant will be for all Central Utah Counties. He said that Sevier County has budgeted \$1,500.00 for the pageant, most of which will go towards renting the facility in Richfield, Utah. He said that Sevier County is inviting the other Counties in Central Utah to participate. The participation cost is \$300.00, which includes a half page advertisement in the pageant brochure.

Ms. Hallows said that the Miss Heart of Utah Pageant will not take the place of the Miss Millard Pageant, it would be another opportunity for the girls to compete and work on their platforms. The Miss Heart of Utah Queen would have the chance to participate in the Miss Utah Pageant.

Mr. Arrington said that the Miss Heart of Utah Pageant will be held August 2016.

Commissioner Roper said that Millard County budgets for the Miss Millard Pageant and would like to talk with Kelly Swallow, Miss Millard Pageant Director, to get her input on this.

Ms. Hallows said that she feels the Miss Heart of Utah Pageant would build the Miss Millard Pageant, since it gives the girls one more chance to go to Miss Utah. She said that the Miss Millard Queen would also be invited to participate in the program during the Miss Heart of Utah Pageant.

Commissioner Roper will talk to Ms. Swallow and get in touch with Ms. Hallows and Mr. Arrington.

#### DISCUSSION AND POSSIBLE APPROVAL OF A CONTRACT BETWEEN MILLARD COUNTY AND MARK WARD FOR THE CREATION OF THE MANDATED COUNTY RESOURCE MANAGEMENT PLAN (RMP)

Commissioner Withers said that it was agreed upon at the last commission meeting to hire Attorney Mark Ward to create the County RMP for the cost of \$9,000.00.

Commissioner Draper said that Mr. Ward has requested \$4,500.00 up front and he will receive \$4,500.00, upon completion.

Commissioner Roper asked for there to be a performance clause in the contract.

Commissioner Draper made a motion to accept the contract with Mr. Ward, subject to Attorney Finlinson's review, and prepare a check for \$4,500.00 to go with it.

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

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#### PUBLIC INPUT

Landon Rowley, County Fire Warden, discussed the County's Title III money with the Commissioners. He said that he will put a proposal together and bring it back to commission showing the proposed fuels work to be completed along with the cost, with the possibility of using the Title III money to pay for it.

#### OTHER BUSINESS

Attorney Finlinson said that an issue came up with joint owners of a parcel in Kanosh. The owner who owns a 3/4 interest of the parcel paid the property taxes in full, then the owner who owns the other 1/4 interest paid the property taxes again. He said that there is a standard practice not to return checks because a resident of the County may be preserving a right to the property.

Attorney Finlinson said he spoke with Kelly Wright, Salt Lake District Attorney's Office, who talked to the Tax Commission. They had concerns about possible conflicts with the Utah State Tax Commission Property Tax Division's standard of practice and State statutes and rules.

Attorney Finlinson said he was advised to either send the second check back to the owner, or deposit both checks and give a proportional refund to both owners. He said either way there is a possibility of litigation.

It was decided to send the second check back to the owner.

Treasurer Dearden said that she would like to mail out delinquent notices the first week of December. She would also like to set up criteria for waiving delinquent penalties; one time only with no prior delinquencies on the account; a current address on file with the Recorder's Office; and a statement from the property owner that they did not receive the tax notice.

The commission agreed and gave their approval for that criteria.

Commissioner Draper said that Treasurer Dearden would like the opportunity to put an overlay of property through satellite images online and made available to the public. He said that he is aware of some concerns from the public if the County does this.

Treasurer Dearden said that there would be a disclaimer on the map that states it is for informational purposes only, not for property boundary lines. She said that all of the large counties and a few of the smaller counties in the State are already doing this.

Treasurer Dearden stated that she feels this would be beneficial for her office in serving the public.

Commissioner Draper said that a constituent in the County is asking for the current zoning ordinance laws to be reviewed. The constituent is wanting to build a dry cabin in the Pahvant Range, which is not allowed with the current zoning ordinance law.

The commission is in favor of reviewing the zoning laws and possibly allowing a dry cabin.

Commissioner Draper will talk to Sheryl Dekker, County Planner, and get the process started.

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

Clerk Rowley informed the commissioners that the current voting equipment is becoming obsolete. The State is in the process of renewing the software contract on the current voting equipment, to get us through the 2016 election. However, they have recommended to start budgeting money to replace that equipment in the 2016/2017 budget, since it is going to be very expensive. They would like all of the counties to have their new equipment purchased and ready for use in the 2018 Election.

Attorney Finlinson said that he will prepare Request for Proposal (RFP) standards for both a public defender and for appellate work.

Commissioner Roper said that the Millard County Housing Board needs a secretary.

Attorney Finlinson said that the Board can make that appointment.

Commissioner Roper reported that the Utah Association of Counties (UAC), meetings last week were very beneficial. Auditor Grace was recognized for her service over the years.

Commissioner Roper reported that the Economic Development dinner last night was well attended.

Auditor Grace said that her office received a hardship abatement application from Terry Solberg, Parcel #D985-1. The Commissioners reviewed the application.

Commissioner Roper made a motion to abate 45% of the property tax for Terry Solberg, Parcel #D985-1.

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

#### POSSIBLE REVIEW OF COUNTY POLICIES AND CONTRACTS

There was none.

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

There was none.

#### BID OPENING OF SURPLUS REAL PROPERTY

Commissioner Withers said that he received a call from David Andrade asking to withdraw his bid. Mr. Andrade's bid will not be read when opened.

Auditor Grace opened the following bids:

- Parcel D-3888-8  
Holly Remkes, \$200.00
- Parcel D-587-B-1  
Marilyn Bundy, \$500.00  
Holly Remkes, \$200.00
- Parcel DO-3205  
Marilyn Bundy, \$500.00  
Holly Remkes, \$800.00  
Chris Garcia, \$1,233.00
- Parcel H-2243-1-B  
Marilyn Bundy, \$400.00  
Holly Remkes, \$700.00
- Parcel HD-3551-2  
Holly Remkes, \$100.00
- Parcel HD-4418-9  
Marilyn Bundy, \$300.00  
Holly Remkes, \$600.00  
Chris Garcia, \$333.00
- Parcel HD-5613-3-100  
Holly Remkes, \$53.00

- Parcel HD-5613-3-109  
Holly Remkes, \$53.00
- Parcel HD-5613-3-24  
Holly Remkes, \$53.00
- Parcel HD-5613-3-52  
Holly Remkes, \$53.00
- Parcel HD-5613-3-90  
Holly Remkes, \$63.00
- Parcel HD-5613-3-93  
Holly Remkes, \$63.00
- Parcel HD-5613-3-96  
Holly Remkes, \$100.00
- Parcel MA-2663-E-3  
Holly Remkes, \$50.00
- Parcel MA-2663-E-6  
Marilyn Bundy, \$50.00
- Parcel MA-2663-E-7  
Marilyn Bundy, \$100.00

Commissioner Draper made a motion to accept the bids as submitted and to accept the highest bid for each parcel.

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

Commissioner Withers asked about the bond for the Public Health Building.

Auditor Grace said the contract deadline is January 31, 2016.

Auditor Grace and Attorney Finlinson indicated that everything will be on track for that.

**WHERE UPON THE MEETING ADJOURNED**

Commissioner Roper made a motion to adjourn the meeting.

Commissioner Draper SECONDED the motion. The voting was unanimous and the meeting adjourned at 11:12 a.m..

Attest: \_\_\_\_\_

Approved: \_\_\_\_\_