

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 18th DAY OF SEPTEMBER 2012
AT THE COURTHOUSE, FILLMORE, UTAH

PRESENT: James I. Withers..... Chairperson
Bart A. Whatcott. Commissioner
Daron P. Smith..... Commissioner

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

ALSO PRESENT: Terry Scottorn County Weed Supervisor
JerE & Dan Brinkerhoff Brinkerhoff stables
Dean Draper..... Chronicle Progress
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 Withers to the public and Commission members.

OPENING STATEMENTS

Commissioner Withers asked if anyone had an opening statement to give. Commissioner Smith read a quote from George Washington: “All I am I owe to my mother. I attribute all my success in life to the moral, intellectual and physical education I received from her.” Commissioner Whatcott said the invocation. Everyone stood and said the Pledge of Allegiance to the Flag.

APPROVAL OF SEPTEMBER 4, 2012 COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held September 4, 2012 were presented for consideration and approval. Following review and consideration of minor corrections, Commissioner Whatcott made a motion to approve the minutes of September 4, 2012, as corrected.

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

carried.

AUDITOR'S REPORT

Auditor Grace presented an invoice she received from Chadwick Booth and Co. for the County Seat Sponsorship in the amount of \$9,945.37.

Commissioner Whatcott made a motion to approve the payment to Chadwick Booth and Co. in the amount of \$9,945.37.

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

Auditor Grace informed the Commission that she received the bookmobile contract for next year. They are requesting that the contract be returned by October 15, 2012. The contract is basically the same as last year with a 1% increase. The invoice total for the contract including the 1% increase is \$108,233.00. The contract will run from July 1, 2012 to June 30, 2013. This item will be discussed at the next commission meeting for possible approval.

Auditor Grace discussed scheduling the 2013 budget hearing with the commissioners. The 2013 budget hearing will be held on Tuesday, December 4, 2012 at 7:00 p.m.

Auditor Grace discussed with the commissioners potential dates to meet with the department heads to go over their upcoming budgets. Dates discussed were September 28, 2012 and October 1, 2012.

The commissioners scheduled the BOE hearings for September 28, 2012 at 8:00 a.m..

POSSIBLE APPROVAL OF HARDSHIP ABATEMENT APPLICATIONS

Auditor Grace presented a hardship abatement application from Ronald Davidson, serial number M1588. Auditor Grace said that Mr Davidson received a hardship abatement in the past.

Commissioner Smith made a motion to abate 45% of Mr. Davidson's property taxes based on income.

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

POSSIBLE BOARD OF EQUALIZATION (BOE) DISCUSSION AND OR ACTION

There was none.

TREASURER'S REPORT

There was none.

Commissioner Withers asked if Treasurer Hansen had any concerns regarding the SRS Title III Funding. Treasurer Hansen said that there is a new requirement with the re-authorization of the 2012 funding which now requires that there be an election process done through the governor's office.

Commissioner Withers said that the commissioners will fill out a form which will show the County's election for SRS Funding and send it to the Governor's Office.

Commissioner Smith said the County will inform UAC Attorney Mark Ward of its decision regarding expending the SRS funds and he will inform the Governor's Office and the BLM. The commission signed the form and will send it to the Governor's Office before September 30, 2012.

Treasurer Hansen said that any decision made needs to be documented in the Commission Minutes.

RATIFY THE SIGNING OF THE CONTRACT WITH THE STATE OF UTAH GOVERNOR'S OFFICE OF ECONOMIC DEVELOPMENT (GOED)

Commissioner Smith reminded the commission that this is a program that Linda Gillmor, Millard County Economic Development Director, works with. The State reimburses her \$250.00 per visit instead of \$100.00 per visit for the BEAR program.

Commissioner Smith made a motion to ratify the signing of the contract with the State of Utah GOED.

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

RATIFY THE SIGNING OF THE CONTRACT AMENDMENT WITH THE NATURAL RESOURCES CONSERVATION SERVICES (NRCS)

Commissioner Smith made a motion to ratify the signing of the contract amendment with NRCS.

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

DISCUSSION REGARDING COMMENT PERIOD FOR THE SECURE RURAL SCHOOLS (SRS) TITLE III FUNDING

Commissioner Smith made a motion to move this discussion to 11:30 a.m..

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

Later, Commissioner Withers said that a recent fire in Oak City, Utah burned 108,132 acres.

The County feels that it could use some of the Title III money to cover some recent expenditures.

Commissioner Withers said that the Commission Chair signed a form this morning which will show the County's election for the SRS Funding. The form will be sent to the Governor's Office.

Treasurer Hansen said that UAC Attorney Mark Ward informed the County that it would need to specify the amount of SRS money it has on hand and include the estimate of the 2012 allocation which will be received at the end of the year, as well as to specify the intended use for using the funds on specific projects.

Treasurer Hansen said that the County would have to initiate the use of those funds for specific projects prior to September 30, 2012 but would not have to obligate the funds before that date. He said that with all of the activity that has happened in 2012 those funds that are expended need to be included and reported by February 1, 2013. If all of those funds are not used, the County would have to do another report to show how the County will obligate those funds by February 1, 2014.

Treasurer Hansen said that in 2008 the County had \$41,557.00 in SRS funds, in 2009 it had \$35,060.72, and based on Treasurer Hansen's projections, the County should receive approximately \$24,600.00 for 2012. If the County chooses to use all of the funding, the total amount would be \$101,000.00 plus or minus.

Auditor Grace asked whether the 2012 funds should come to the County or go directly to the Fire Service District.

Commissioner Smith said that he recommends that in order for the County to get the full benefit from PILT and the available SRS funding, the County will have the SRS funding it will receive in 2012 sent directly to the Fire Service District. He said that the County will work with the Fire Service District and other agencies who are trying to rehabilitate and deal with other fire mitigation issues.

Commissioner Smith explained that the County has already chosen to go with the State funding mechanism and not with the 25% actual receipts. He also explained how the funds are received and broken down by Title I, Title II and Title III.

Treasurer Hansen explained that there are less restrictions with PILT money than there are with SRS money.

The commission discussed different options of receiving the SRS funding. They also discussed that in 2010 the County chose to send the entire SRS funds received to the Fire Service District and chose not to receive any funding at all in 2011.

Auditor Grace said that the funding is intended to reimburse the County for the cost of developing a Wildfire Protection Plan for the communities and the County would need to send a letter to the State indicating how they want to expend the funds.

Commissioner Whatcott made a motion to send a letter to the State Treasurer's Office informing them to send the 2012 SRS funds directly to the Fire Service District.

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

The County has \$76,617.72 in SRS funds that would need to be specified for use on projects prior to September 30, 2012.

Treasurer Hansen read from the Federal Code regarding the SRS and community Self Determination Act.

Treasurer Hansen explained that the commissioners are the responsible entities for the SRS funding and how it will be used. He also explained that the County put a notice in the Chronicle Progress Newspaper giving 45 days for the public to make comment. The 45 day public comment period has expired and the County did not receive any public comments.

Treasurer Hansen proposed that the County include in its expenditures approximately \$10,000.00 to cover the expenses incurred to set up the Firewise Community Plan for Kanosh/Paiute Reservations, Historical Cove Fort and Frampton Heights subdivision. He also suggested to use the rest of the funding to cover the \$66,000.00 expenditures made by Millard County in an emergency response to the wild land fire at Clay Springs.

Auditor Grace said that Gary Bezzant, DNR, proposed a project to create a green zone around Oak City between Oak City and Forest Service property. The proposal amount was \$50,718.00 which she feels would fall in line with the wildfire protection plan area of Title III funding.

Dean Draper, Chronicle Progress, said that the Road Department had to rebuild the road in Leamington Pass Canyon and Whiskey Creek due to flooding.

Commissioner Withers said that the County will designate \$10,000.00 for the Firewise Community Plan and \$66,000 for mitigation on the Clay Spring fires.

It was clarified that the funding is intended to reimburse the County for the cost of developing a Wildfire Protection Plan for the communities. It will also be used for reimbursing the county for emergency services performed in response to the flooding and road damage as a result of the Clay Springs Fire, and for the cost of creating a green zone near Oak City.

Commissioner Withers will contact Oak City Mayor Staheli to see if Oak City may have some expenditures that the County could help with.

DISCUSSION AND POSSIBLE APPROVAL OF THE AGREEMENT BETWEEN MILLARD COUNTY AND JONES AND DEMILLE ENGINEERING, INC. FOR ENGINEERING SERVICES ON THE OAK CITY PROJECT

Commissioner Withers said that Terry Scottorn will be the point man for the Clay Springs Fire Rehabilitation Project. Mr. Scottorn will be taking on the task of identifying all of the land owners and those in the county who have an opportunity to participate in using the NRCS funding for this project. He will try to contact those people and get their signatures for the contract.

Mr. Scottorn said that he has a list of all of the property owners but is lacking the contact information. He said that he has been having a hard time contacting all of the landowners and suggested that the County compose a letter to send in hopes of getting a response from the landowners.

Commissioner Withers asked Mr. Scottorn to compose the letter and to send it to him for approval and he will have the Auditor's Office send it to the landowners.

It was also discussed that Mr. Scottorn could make whatever copies he needed for this project in the Auditor's Office.

Mr. Scottorn will contact the people on the list that was given to him from NRCS.

Commissioner Withers said that Mr. Scottorn will be paid by the hour for providing his service to the county on this project. The pay amount will be based on what the Commission decides according to administrative services in the contract.

The commission discussed reimbursing part of Mr. Scottorn's cell phone while he is working on the Clay Springs Fire Rehabilitation Project.

Commissioner Smith made a motion to approve a cell phone allowance in the amount of \$40.00 for Terry Scottorn while he is working on the Clay Springs Fire Rehabilitation Project.

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

Commissioner Whatcott made a motion to table the approval of the agreement between Millard County and Jones and DeMille Engineering, Inc. for engineering services on the Oak City Project.

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

DISCUSSION AND POSSIBLE APPROVAL OF ASSIGNMENT OF THE LEASE AGREEMENT BETWEEN MILLARD COUNTY AND BRINKERHOFF STABLES

Commissioner Whatcott said that Dan Brinkerhoff, Brinkerhoff Stables, has been paying the water and the power for the stables and the buildings at the Fillmore Equestrian Park since the original contract was approved.

JerE Brinkerhoff said that the utilities at the fairgrounds have totaled over 60,000 dollars since 1981.

JerE Brinkerhoff said that they would like to change the contract to add the names of JerE and Gene Brinkerhoff in addition to Brinkerhoff Stables since his dad is not in good health. He also asked if there was an opportunity for the contract to be renewed in 2019. He said that the first contract (which the County could not find) stated that the contract would carry over every ten years.

Attorney Waddingham said that a provision could be included in the amended contract to state that at the end of 2019 the contract automatically renews on a year to year basis unless either party gives ninety days notice to terminate the contract.

Commissioner Whatcott made a motion to amend the contract between Brinkerhoff Stables and Millard County by assigning the names of the contract holder to JerE and Gene Brinkerhoff (Brinkerhoff Stables) and to add the option of renewing the contract when it expires May 31, 2019 for one year periods unless either party gives the other party 90 days notice to terminate the contract.

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

DISCUSSION AND POSSIBLE APPROVAL OF A BUSINESS LICENSE APPLICATION FOR GROW 'N LEARN PRESCHOOL, LLC - OWNER - WHITNEY SWALLOW

A business license application was presented for Grow 'N Learn Preschool, LLC - Owner - Whitney Swallow. After review of the application and finding all the signatures in order, Commissioner Smith made a motion to approve the business license for Grow 'N Learn Preschool, LLC - Owner - Whitney Swallow.

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

PUBLIC INPUT

There was none.

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

Commissioner Smith attended the Utah Association of County Commissioners and Council (UACCC) Conference in Midway, Utah. While there he attended a public lands meeting that he thought was very informative. They discussed Sage Grouse along with a lot of other things. He said that he always appreciates the training that he receives, as well as his association with the other commissioners, and the chance to work on making things better for the county.

Commissioner Smith attended a meeting with Commissioner Withers, Auditor Grace and Attorney Waddingham in Oak City to discuss the NRCS contracts. There were a lot of people from Federal and State agencies at the meeting as well. He thought that it was a very beneficial meeting.

Commissioner Smith attended a Long Term Health Care board meeting last Thursday. The Board passed a motion with a recommendation to the county to transfer \$80,000.00 to the Board which was budgeted in its budget process. It was anticipated that the Board would be about \$76,000.00 in the hole for the year and they are getting very close to that amount. The Board sent the appropriate request for the transfer.

Commissioner Smith said that the county budgeted \$120,000.00 but the Board may not need the entire amount.

Commissioner Smith made a motion to transfer \$80,000 to the Long Term Health Care fund.

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

Commissioner Smith said that the Board also passed a resolution to proceed with building a parking lot.

Attorney Waddingham said that the county had sent a letter to both IHC and its attorney. He was contacted by IHC's attorney who informed him that he forwarded the letter to IHC's director, who indicated that IHC did not have a problem with Millard Care & Rehab building the parking lot.

Attorney Waddingham informed Jeff Christensen, Millard Care & Rehab Director, to go ahead with the project.

Commissioners Smith, Withers and Whatcott, along with MEDA Director Linda Gillmor, attended a conference call with representatives from the Peak Minerals and the lime plant.

Commissioner Whatcott attended a Six County meeting in Richfield, Utah where they discussed the following items:

- Millard County Recognition Banquet, which will be held on December 5, 2012
- Legislative Day, which will be held on October 10, 2012 at the SUFCO Mine
- Housing Services, Aging/Volunteer Services, and Community Services
- Economic and Community Development
- Southern Nevada Water Project
- Monroe Mountain Project
- Wildlife Depredation funding presentation given by Allen Clark Department of Natural Resources (DNR)
- Congressional and State reports from Senator Hatch, Senator Lee, Congressmen Chaffetz, Matheson, and Bishop

Commissioner Whatcott attended a UAC Veterans Task Force meeting in Murray, Utah. They discussed what can be done for local veterans, but not to duplicate programs that are all ready sponsored and in place. They heard a presentation from the Utah National Guard (CPT Simmons) on the Community Covenant Program.

Commissioner Whatcott attended a meeting with Peak Minerals and Graymont Lime to discuss future possibilities of pursuing funding.

Commissioner Whatcott attended the Fall UACCC Conference in Midway, Utah. The following items were discussed:

- The role of Utah Association of Counties (UAC)
- Joint Jails Committee report from Leland Pollock, Garfield County Commissioner who chairs the committee.
- The Hatch Compliance Act, presented by Karl Hendrickson from Unified Fire Authority

They also discussed the following legislative issues:

- County attorney amendments
- Personal use of campaign funds (Adam Trupp)
- Staggered elections (Brent Gardner)
- Using school buildings for elections (Kent Jones)
- Youth detention center mandate on counties (Adam Trupp)
- GRAMA, resellers of county data (Brent Gardner)
- Utah Behavioral Health Committee (UBHC) membership
- Centrally assessed litigation, strategy, funding and allocation

- Department of Corrections jail bed utilization
- UAC unemployment insurance program
- Report on the 2012 wild land fires
- Tax rates and related issues
- County drug discount card program
- TRCC lawsuit update and OTC Legislation.

Commissioner Smith said that they talked about getting a bid from the Unemployment Group who works with UAC and suggested that Auditor Grace contact Jill Brown, UAC, to get a bid.

Commissioner Withers met with the members of Special Service District Number 8 and went through its budget and funds for this year. Special Service District Number 8 is in good financial shape going forward and everything looked good with its recent audit.

Mr. Draper asked the commissioners if they could meet with the White Pine residents. The commissioners said that they will look at their schedules and get back with Mr. Draper.

Mr. Draper said that Great Basin Water Network has a lot of things before the comment period is up on the final draft of the EIS, if it goes.

POSSIBLE REVIEW OF COUNTY POLICIES AND CONTRACTS

Commissioner Whatcott said that the agreement and the policy on the Fillmore Race Track will be up for review in October.

OTHER BUSINESS

Commissioner Smith said that he will be absent from the October 2, 2012 Commission Meeting because he will be attending a Western Interstate Region Board meeting.

The commissioners discussed possible hearing dates for an upcoming appeal.

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

There was none.

WHERE UPON THE MEETING ADJOURNED

Commissioner Whatcott made a motion to adjourn the meeting.

Commissioner Smith SECONDED the motion. The voting was unanimous and the meeting adjourned at 12:03 a.m..

Attest: _____

Approved: _____