

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 2nd DAY OF OCTOBER 2018
AT THE COURTHOUSE, FILLMORE, UTAH

PRESENT: Wayne Jackson..... Chairperson
Dean Draper..... Commissioner
James I. Withers..... Commissioner

Pat Finlinson. County Attorney
Marki Rowley. County Clerk
Jamie Hair Deputy Clerk

ALSO PRESENT: John Higgins. Landfill
LuAnne Miller. Delta Office
Aaron Montgomery, Susan Becker, & Marcus Keller..... Zions Public Finance
Ian Adams, Jeff Mitchell, & Mike Holt..... Fillmore City
Rendon Shields & Tyler Alldredge. MountainView Mushrooms
Andy Nickle..... Delta Garbage
Tony Dearden..... Dearden Motor Co.
Rhett Wilkinson..... Chronicle Progress
Adam Richins..... County Planner
Sheri Dearden..... County Treasurer
Bonnie Gehre..... County Auditor
Connie Hansen..... County Recorder
Pat Manis & Susan Wilcox. Assessor’s Office
Brenden Turner. East Millard Recreation
Michael Bartholomew. Duane’s Foodtown
Eric Schmutz, Lanore Warby, & David Duncan. . . . State Bank of Southern Utah

Note: Not all agenda items were followed in order.

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 Jackson to the public and Commission members.

OPENING STATEMENTS

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

APPROVAL OF September 18, 2018 COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held September 18, 2018 were presented for consideration and approval. Following review and consideration of minor corrections, Commissioner Draper made a motion to approve the minutes of September 18, 2018, as corrected.

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

FOLLOW UP ACTION ITEMS FROM September 18, 2018

Commissioner Draper said that the tax rates were discussed at the last commission meeting and clarified that there will not be an increase in tax rates.

DISCUSSION AND POSSIBLE APPROVAL OF A CELL PHONE ALLOWANCE FOR AARON FAUSETT IN THE SHERIFF'S OFFICE

Commissioner Withers made a motion to approve a cell phone allowance for Aaron Fausett, Sheriff's Office, in the amount of \$40.00.

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

DISCUSSION AND POSSIBLE APPROVAL OF A COUNTY CREDIT CARD FOR JACCI JOHNSON, EAST MILLARD SWIMMING POOL MANAGER

Commissioner Withers made a motion to approve a county credit card for Jacci Johnson, East Millard Swimming Pool Manager, in the amount of \$1,000.00.

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

DISCUSSION AND POSSIBLE APPROVAL OF LAW ENFORCEMENT ASSESSMENT LEVIED BY THE STATE OF UTAH

Commissioner Draper said that he recently became aware of an annual payment due under Title 49 of The Utah State Retirement and Insurance Benefit Act. He said that counties have been assessed \$95.00 per each law enforcement officer. Commissioner Draper said that this annual payment was due on March 31, 2018 and the County will need to find out how many officers qualify.

Commissioner Withers said that he would like to have someone from the Sheriff's Office

explain this at a future meeting.

Commissioner Withers made a motion to table this agenda item.

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

LANDFILL STUDY PRESENTATION - ZIONS PUBLIC FINANCE, INC

Susan Becker introduced herself, Marcus Keller, and Aaron Montgomery as representatives from Zions Public Finance, and thanked the Millard County Employees who were involved in the landfill study for their help.

Aaron Montgomery presented the landfill study. Discussion items were as follows:

- Last Rate increase in 2007
- Growing Costs
 - Operating Expenses
 - Capital Costs
 - Inflation
- Significant Capital Needs
- Deficiencies in Current Rate Structures
- Proposed Rate Structures

Commissioner Withers questioned whether the study and suggested rates were based on estimated costs of new landfill equipment and said that the County has never bought new equipment for any county department. Mr. Montgomery said that the estimated costs were provided to them from the County.

Commissioner Withers asked what class Agriculture falls in. Mr. Montgomery said that agriculture would fall into the commercial categories based on usage.

Commissioner Draper asked if multiple trash locations from the same owner who didn't fill their quota, had been considered in the study. Luanne Miller said that every resident and every business is assessed a fee to support the landfill and if a resident has two residences they will be charged for both. She said that if one residence is not in use, the owner can apply to have the fees for that location abated.

A discussion was had on what types of bonds would be used. Mr. Keller said that a detailed discussion would need to take place at that time regarding the types of bonds that will be most beneficial to the County. Commissioner Withers asked how bonds work with an Enterprise Fund and if there were any negative effects. Mr. Keller said that the County would issue the bond and pledge revenues similar to a water revenue. He said that the County would probably want to tie it to the landfill revenue so that the risk would be mitigated.

Commissioner Withers asked if they had calculated a clear percentage of increased rates. Mr. Montgomery said that because of the new classes it is difficult to compare the rates from before to after. Some calculations were done quickly and it was determined that residential is about a 9%

increase and Class 3 Commercial is 75% increase. Mr. Montgomery said that those previously in Class 3 may not be in Class 3 under the new categories. He said that the higher the usage, the higher the increase.

Tony Dearden, Citizen, asked if garbage would be calculated by how much was in the dumpster or by how many times the dumpster is emptied. Mr. Higgins said that because Mr. Dearden's garbage is collected by Holt waste, it would fall under Holt's Waste's category.

Ms. Becker said that because this has build up over time, there is an issue now that needs to be addressed and increases will have to be made at some point. She said that their job is to present some options for the County to pursue.

Commissioner Draper asked if they had found that some citizens hadn't been paying landfill fees. Ms. Becker said that they took the numbers given from the County and didn't look into if any citizens weren't paying; however, they did find many instances where citizens' fees were mis-proportioned.

Ms. Miller said that they have found people who had not been correctly assessed and some of those fees were significant.

Commissioner Draper said that there will be public hearings scheduled regarding the landfill fees and that today's presentation will begin to get the word out. Commissioner Jackson said that citizens could contact the commissioners about this as well.

DISCUSSION REGARDING CEMENT PAD FOR BASKETBALL COURT NEAR FILLMORE SENIOR CITIZEN BUILDING

Mike Holt, Fillmore City, said that he spoke with 30-40 residents who said that the basketball court is used daily by local children. He said that it is an asset to Fillmore City.

Dennis Alldredge, Fillmore City, also said that it is used a lot and will need to be built of sturdy materials.

Commissioner Withers said that he is concerned about the amount and cost of cement and wondered if this was a necessary expense. Commissioner Jackson said that the previous cement amount included the ADA restroom cement as well. He said that this is specifically looking at the basketball pad. This would be bid out and then decided if the cost was worth it.

Commissioner Jackson said that he received a call from a citizen who lives at the trailer park who said that the basketball court is used a lot and they would like to keep it.

Commissioner Draper said that a previous discussion was had regarding leaving the current cement in place and using it as a base.

Commissioner Withers said that he is concerned that East Millard Recreation has more important needs to pay for than this.

Commissioner Jackson said that the current state of the court is unsafe and that this will need to be addressed by the Commission.

DISCUSSION AND POSSIBLE RE-APPOINTMENT OF MEMBERS TO SERVE ON THE MILLARD COUNTY ECONOMIC DEVELOPMENT BOARD

Commissioner Draper said that many members terms on the MEDA Board have expired or will in the near future.

Commissioner Draper made a motion to re-appoint Matt Low, Mark Hunstman, John Higgins, Brandon Bartholmew, and Roger Killpack to serve on the Millard County Economic Development Board.

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

Commissioner Draper said that three other positions will need to be handled in the future.

DISCUSSION AND POSSIBLE APPOINTMENTS/REAPPOINTMENTS OF BOARD MEMBERS TO VARIOUS COUNTY BOARDS

Commissioner Withers said that he is having trouble finding a volunteer to serve on the Drainage District Board because of new reporting requirements and voiced his concerns for finding future volunteers.

DISCUSSION AND POSSIBLE AWARDED OF THE RFPS FOR AN EMPLOYEE BENEFIT CONSULTANT

Attorney Finlinson said that these proposals are actually very close and he felt that he may have misled the Commission at the last meeting in thinking that one was much less than the other.

Auditor Gehre said that Beaver County Schools have used both of these businesses and found that they were very similar and that both had good references.

Auditor Gehre then explained a few differences between the companies.

Commissioner Withers made a motion to award the RFP for an employee benefit consultant to GBS.

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

INTRODUCTION OF AND UPDATE FROM STATE BANK OF SOUTHERN UTAH OFFICERS

Eric Schmutz, Lanore Warby, and David Duncan, all with State Bank of Southern Utah (SBSU), introduced themselves and shared their history with Millard County. Mr. Schmutz thanked those from the County and Fillmore City that they have worked with so far and shared their mission statement.

Mr. Schmutz said that they saw an opportunity to come to Fillmore when they found out that Wells Fargo was closing. He explained the location and building time-frame for their Fillmore Branch and said that their goal is to be in place and operating before Wells Fargo closes. He said that they will be involved in the community and want to be good neighbors.

The commissioners welcomed SBSU to the County and expressed appreciation for its desire to be involved in the community.

PUBLIC INPUT

There was none.

OTHER BUSINESS

Clerk Rowley said that the County has received two complimentary tickets from Lagoon and she would like some direction from the Commission on how and whom to award them to. Later, it was decided to have a drawing for county employees to randomly award the tickets.

Commissioner Draper received an offer to establish a Memorandum of Understanding (MOU) with Central Utah Public Health and would like this item put on the next agenda.

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

Commissioner Jackson said that they received an invitation to the Millard County 4H Awards Night on October 11, 2018 at 6:30 p.m.. Commissioner Withers said that he will try to attend.

Commissioner Jackson said that he will be traveling to Hanksville today where they will be holding their Legislative Ride.

POSSIBLE BOARD OF EQUALIZATION (BOE) DISCUSSION AND/OR ACTION

Commissioner Withers made a motion to enter into a BOE.

Commissioner Draper SECONDED the motion. The voting was unanimous and the motion carried. The BOE began at 11:23 a.m..

Assessor Manis explained that the Commission has to approve the tax exemption of businesses filing their personal property survey that fall under the State's \$10,500.00 guideline. Mr. Manis presented the Commission with the list of businesses and asked that the commission approve the exemptions for those who have applied for it.

Commissioner Withers made motion to approve the 2018 Personal and Property Tax Exemption List.

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

Assessor Manis said that account number P009066-Head to Toe Hair and Nails has three different business licenses with Fillmore City; however, all three operate as one entity at a single location. They are requesting to abate account numbers P009072 and P009125 and to combine with account P009066 in the future.

Commissioner Draper asked why combining these was the County's responsibility. Mr. Manis said that this was essentially a misunderstanding between the business and the Assessor's

Office and this is essentially one entity.

Commissioner Withers made a motion to abate 100% of property taxes on account numbers P009072 and P009125.

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

Assessor Manis referred to account number P009071-Machine Age Lamps Aviation- C/O Charles Carling and said that the taxpayer failed to file the signed survey. Mr. Manis said that Mr. Carling said that he did not receive the survey and requests from the Assessor's Office; however, he did receive the notice to pay which was mailed to the same address. Assessor Manis said that he told Mr. Carling that there was nothing he could do, but the Commission could possibly abate it. Mr. Manis said that Mr. Carling has not filed for an abatement, but told the Assessor's Office that the value in his home business should fall under the \$10,500.00 amount.

Commissioner Jackson said that Mr. Carling has been frustrated with the County due to past issues and thinks that it would be advantageous for both parties to resolve this. Mr. Manis said that Mr. Carling will have to file at some point and worries that this issue will happen again next year.

Commissioner Withers made a motion to deny the abatement of property taxes because the taxpayer has not filed the forms.

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

Commissioner Withers made a motion to close the BOE.

Commissioner Draper SECONDED the motion. The voting was unanimous and the motion carried. The BOE closed at 11:36 a.m..

POSSIBLE REVIEW OF COUNTY POLICIES AND CONTRACTS

Attorney Finlinson asked about the schedule for the landfill study report and public hearings. After a brief discussion, it was decided that the materials will be available for review in both Fillmore and Delta and the public hearings will be held on Wednesday, October 24, 2018 at 7:00 p.m. in Fillmore and Thursday, October 25, 2018 at 7:00 p.m. in Delta.

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 for the purpose of discussing pending and/or threatened litigation and discussing value of property.

Commissioner Draper SECONDED the motion. All three commissioners voted unanimously and the motion carried. Present in the closed session were Attorney Finlinson, Commissioner Jackson, Commissioner Draper, and Commissioner Withers.

After the closed executive session the regular meeting reconvened at 11:48 a.m..

WHERE UPON THE MEETING ADJOURNED

Commissioner Jackson adjourned the meeting at 11:55 a.m..

Attest: _____

Approved: _____