

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 3rd DAY OF NOVEMBER 2009
AT THE COURTHOUSE, FILLMORE, UTAH

PRESENT: Kathy Y. Walker Chairperson
Daron P. Smith Commissioner
Bart A. Whatcott Commissioner

Richard Waddingham County Attorney
Marki Rowley Deputy County Clerk

EXCUSED: Norma Brunson County Clerk

ALSO PRESENT: Michael Staheli Oak City Mayor
Dean Draper Chronicle Progress
Tom Christensen Jones and DeMille
David Susong USGS
Philip Gardner USGS
Jim Edwards Edwards Surveying
Doug Grimshaw Grimshaw Surveying

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, 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 Walker to the public and Commission members.

OPENING STATEMENTS

Commissioner Walker asked if anyone had an opening statement to give. Commissioner Whatcott read a quote from Theodore Roosevelt, "This Country will not be a permanently good place for any of us to live, unless we make it a

reasonably good place for us all to live.” Commissioner Walker read a quote from Abraham Lincoln, “My father taught me to work but not to love it. I never did like to work and I don’t deny it. I’d rather read, tell stories, crack jokes, talk, laugh, anything but work.” Commissioner Smith said the invocation. Everyone stood and said the Pledge of Allegiance to the Flag.

DISCUSSION AND POSSIBLE APPROVAL OF A BUSINESS LICENSE FOR NEW BEGINNINGS AT SEVEN D’S RANCH - OWNER LARRY E. DIXON

Commissioner Smith gave a brief description of the business, and found that all signatures were in order.

Commissioner Smith made a motion to approve the business license for New Beginnings at Seven D’s Ranch - Owner Larry E. Dixon with the contingency that the county is provided a copy of the state license.

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

DISCUSSION AND POSSIBLE AMENDMENT OF THE CELL PHONE POLICY

Commissioner Whatcott stated that he is in favor of raising the cell phone reimbursement for Richard Beckstrand due to the unique demands of his position, from \$80 a month to \$120.00 a month.

Attorney Richard Waddingham read the suggested changes to the policy through proposed Resolution 09-11-03.

Commissioner Smith made a motion to amend the cell phone policy by adopting Resolution 09-11-03. A Resolution of the Millard County Commission amending section XX, paragraph 1.E of the Millard County Personnel Policies and Procedures Manual entitled “Cell Phone Allowance”. Commissioner Whatcott **SECONDED** the motion. Deputy County Clerk Marki Rowley called for a roll call vote. Commissioner Whatcott voted YES, Commissioner Smith voted YES, Commissioner Walker voted YES. The voting was unanimous and the motion carried.

DISCUSSION AND POSSIBLE APPROVAL FOR MILLARD COUNTY TO PROVIDE FINANCIAL SUPPORT TO OAK CITY TOWN FOR FLOOD CONTROL

Oak City Mayor Michael Staheli went over additional information with the Commissioners on the status of Oak City's flood control and the repairs needed to fix the flooding problem. He stated that the county owned culvert on Canyon road would cost about \$190,000 to fix. Oak City would not be able to help with this portion of the project. The Commissioners should decide whether they want to fund this project or to take it off Oak City's plan. He went through the CIB application which stated that the total project would cost about \$950,000. They are applying for \$800,000 which includes the price of replacing the culvert that belongs to the county. Oak City is asking the County to fund \$250,000 plus any in-kind work or to let them know the maximum amount that the County would be able to fund.

The Commissioners said that after the last meeting they understood that they were only being asked to fund \$80,000. With the new numbers presented today they would need to go through the budget to see if they are able to add anymore funding to this project. The Commissioners will give Mayor Staheli an answer by next week.

REPEAL OF ORDINANCE 02-01-14, ENTITLED AN ORDINANCE SETTING FEES FOR SERVICES, COPIES AND FACSIMILES PROVIDED BY THE VARIOUS DEPARTMENTS, DIVISIONS AND OFFICES WITHIN MILLARD COUNTY, UTAH

Attorney Waddingham said that back in 2002 there was an ordinance prepared to establish fees for services by the various offices and departments but it was never signed. Therefore, this item needs to be stricken from the agenda.

Commissioner Whatcott made a motion to strike this item from the agenda.

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

POSSIBLE ADOPTION OF ORDINANCE 09-11-03, AN ORDINANCE ESTABLISHING FEES FOR SERVICES PROVIDED BY EACH COUNTY OFFICER

Attorney Waddingham explained the ordinance in detail. The Attorney and the Commissioners then discussed and amended the ordinance.

Commissioner Whatcott made a motion to amend and adopt Ordinance 09-11-03, an ordinance establishing fees for services provided by each county officer.

Commissioner Smith SECONDED the motion. Deputy County Clerk Marki Rowley called for a roll call vote.

Commissioner Whatcott voted YES,

Commissioner Smith voted YES, Commissioner Walker voted YES. The

voting was unanimous and the motion carried.

DISCUSSION AND POSSIBLE ADOPTION OF RESOLUTION 09-11-03, A RESOLUTION ADOPTING A POLICY ESTABLISHING RATES FOR RESEARCH AND COPYING COSTS ASSOCIATED WITH RECORDS REQUEST

Attorney Waddingham explained what was allowed when charging and complying with a GRAMA request.

Commissioner Smith made a motion to adopt Resolution 09-11-03A, a resolution adopting a policy establishing rates for research and copying costs associated with records request.

Commissioner Whatcott SECONDED the motion. Deputy County Clerk Marki Rowley called for a roll call vote. Commissioner Whatcott voted YES, Commissioner Smith voted YES, Commissioner Walker voted YES. The voting was unanimous and the motion carried.

PUBLIC INPUT

Jim Edwards of Edwards Surveying and Doug Grimshaw of Grimshaw Surveying came to explain the survey, including their research and findings, of the county lines. After a detailed presentation and showing of maps both surveyors agreed that the county lines that were marked in the 1920's are where they should be. The Commissioners asked that this item be put on the next agenda for any decisions that will need to be made.

DISCUSSION OF SNAKE VALLEY GROUND WATER FLOW STUDY BY USGS

David Susong and Philip Gardner of USGS gave a detailed presentation with discussion on the Snake Valley Ground Water Flow Study conducted by USGS. This project began in October 2009 and will run through March of 2012. This is a joint project with USGS and Millard County. USGS is currently funding 40% of this project, Millard County is funding 10% of this project and CIB is funding the remaining 50% of this project.

Commissioner Smith made a motion to recess for lunch.

Commissioner Whatcott SECONDED the motion. The voting was unanimous and the motion carried. The meeting recessed at 12:26 p.m..

NOON LUNCH BREAK

Commissioner Whatcott made a motion to reconvene the meeting. Commissioner Smith SECONDED the motion. The voting was unanimous and the motion carried. The meeting reconvened at 1:43 p.m..

APPROVAL OF OCTOBER 20, 2009 COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held October 20, 2009 were presented for consideration and approval. Following review and consideration of minor corrections Commissioner Whatcott made a motion to approve the minutes of October 20, 2009, as corrected.

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

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

Commissioner Whatcott attended the Fire District meeting held at the Leamington Fire Station on October 21.

Commissioner Whatcott has been talking with Congressman's Chaffetz's Office on the Saw Mill Fire. Wade Garrett, Constituents Services Representative for Rural Public Lands and Agriculture, is going to schedule a meeting with the land owners in Scipio to see if they are receiving information on how the work is progressing.

Commissioner Whatcott attend a Public Safety Meeting/Emergency Management conference in Midway, Utah on October 26, and 27. He conducted the Council of Governments (COG) meeting on October 28. He met with the mayors and discussed issues in the county and also had them go through the CIB listing of projects to be completed.

The GIS Board held a GIS meeting on October 29, where they discussed the issues of having correct surveys and being able to have the Recorder's office work with the Assessor's office in mass land appraisal and other issues the Assessor's office is experiencing.

Commissioner Whatcott talked to Klint Penney, East Millard Maintenance Supervisor, about the replacement of the East Millard Swimming Pool atrium roof. Mr. Penney said that they are still waiting for the materials to arrive. Commissioner Whatcott said that he will make sure all the contingencies of the

contract are taken care of before any work is started.

Commissioner Smith attended meetings on behalf of Utah Association of Counties (UAC) Executive Board in Midway, Utah and Park City, Utah on October 28.

Commissioner Smith attended a Special Service District Number 8 board meeting on October 29. The bylaws were amended at this meeting (compensation to the board members). Special Service District Number 8 is currently using Millard County's Tax Id number and because of that Zions Bank is requiring that Treasurer Hansen's signature be on the signature card as well.

Special Service District Number 8 is going to purchase a new loader and donate it to the County Road Department. Their plan is to hold over a couple hundred thousand dollars for next year so they have money to pay for the mag chloride earlier in the year like they did this year.

Commissioner Walker attended Senator Hatch's Women's Advisory Council conference October 26. Former First Lady Laura Bush, along with former American Idol contestant David Archuleta and a renown pianist Roger Williams, were in attendance. Commissioner Walker reported that this was a day full of break out sessions that she felt were very helpful.

Commissioners Smith and Walker went to the Snake Valley Aquifer Advisory Council at the State Capital in Salt Lake City, Utah on October 27.

The Commission met with the County Auditor Brandy Grace and began working on the 2010 budget.

OTHER BUSINESS

There was none.

DISCUSSION AND POSSIBLE APPROVAL OF PROPERTY TAX VALUES, TAXES AND STATE STATUES

Treasurer Hansen stated that according to state statute there is a process regarding taxable value x tax rate = final taxes. This process starts with the Assessor's office and ends with the Treasurer's office.

The values determined by the Assessor's office are sent to the Auditor's office for correcting and adjusting the values. Then the final tax roll is prepared and

sent to the Treasurer's office. The tax dollars are then computed leaving the Treasurer's office responsible for those tax dollars.

The Treasurer's Office is responsible for tying the values back to the tax dollars. This year this will not be possible. They are finding a whole bunch of adjustments that were not made in the Board of Equalization (BOE), and some questions regarding numbers of tax notices printed or possibly missing. This process has affected all the departments and could affect the final collection and reconciliation. Treasurer Hansen was letting the Commissioners know of this problem and the possibility of future problems relative to the tax collection process.

AUDITOR'S REPORT

Auditor Grace reported that she received the Executive Reports from Public Employees Health Program (PEHP) that include the utilization through September 2009.

Auditor Grace presented the check edit from November 1, 2009 for the Commissioners to review and sign.

She presented the Commissioners with an invoice from National Association of Counties Organization (NACO) for the annual membership dues in the amount of \$400.

Auditor Grace received a call from Marlene Cummings of Fillmore City asking why she is being invoiced for law enforcement in an amount that exceeds the contract amount. Auditor Grace explained that she was informed that both the Fillmore Mayor and Delta Mayor had agreed to a 2% increase last year. Ms. Cummings is uncomfortable with issuing payments that are not in compliance with the current contract. Auditor Grace informed her that the County is looking at another increase for next year as well. The decision was made to put this issue on the next agenda for further discussion.

Auditor Grace questioned if she would have to amend the amounts on the cell phone allowance policy due to the changes made earlier today. The resolution passed earlier today only changed some wording on eligibility for certain reimbursement; no changes were made to the amount of reimbursements. After discussion about who has the authority to authorize a cell phone allowance, it was decided that all cell phone allowance applications be turned into the County Clerk's office in Fillmore to be put on the Commission agenda for the Commissioners approval.

Marge Choules was hired as a temporary part time employee in the Delta Office.

POSSIBLE APPROVAL OF HARDSHIP ABATEMENT APPLICATIONS

There were none.

TREASURER'S REPORT

Treasure Hansen reported that Special Service District Number 8 is an organization that was organized under the code of "Special Services". It is currently using the county's tax ID number. The Commissioners decided that they will require Special Service District Number 8 to obtain its own tax ID number no later than January 1, 2010.

At this time Special Service District Number 8 is in the process of changing board members and is requiring new signature cards.

Commissioner Smith made a motion to approve Millard County Treasurer John Hansen and Millard County Commission Chair Kathy Y. Walker to sign the signature card form for Millard County Special Service District Number 8 with Zions Bank, with the condition that Special Service District Number 8 will be informed by Commissioner Smith that it will need to obtain it's own tax ID number no later than January 1, 2010.

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

Treasurer Hansen received an email from the State Tax Commission informing him that they will be changing the way they distribute the sales tax collection as of January1, 2010.

Treasurer Hansen said that he received a statement from the Minerals Management Services stating that as of the end of October the County had a balance of -\$661.99. The county will not get any mineral release money this quarter. The credit balance will be offset by future payments due Millard County.

Treasurer Hansen presented and explained the overrides report from January 16, 2009 to October 29, 2009.

Commissioner Smith made a motion authorizing the Treasurer's office to writeoff any overpayment of \$10 or less or any underpayment of \$10 or less on

a tax collection.

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

OTHER

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 3:13 p.m..

Attest: _____

Approved: _____