

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 1st DAY OF DECEMBER 2009
AT THE COURTHOUSE, FILLMORE, UTAH

PRESENT: Kathy Y. Walker Chairperson
Daron P. Smith Commissioner

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

EXCUSED: Bart A. Whatcott Commissioner

ALSO PRESENT: Ron Hare Trustee 401K
Christie Tolbert Hinckley Town
Donald Brown Hinckley Town
Joyce Barney Sunset View Estates Plat
Howard Allred State Forestry
Marv Turner State Forestry
Mel Bolling US Forest Service

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 Walker excused Commissioner Whatcott from today's meeting because he was not feeling well. Commissioner Smith said the invocation.

Everyone stood and said the Pledge of Allegiance to the Flag.

JOHN HANCOCK PLAN TRUSTEES AND ADMINISTRATOR - RONALD R. HARE

Ronald R. Hare stated that with Jim Talbot being gone the county will need a new trustee member. Commissioner Walker said that Mr. Talbot is still employed with Millard County and is only on a leave of absence. Mr. Talbot is scheduled to return to work in January. In the event Mr. Talbot does not return to work, the board of trustees recommends Jeff Gehre to replace Mr. Talbot as a member on the board of trustees.

RATIFY THE ADOPTION OF RESOLUTION 09-11-17, A RESOLUTION SIGNING SIGNATURE CARDS FOR SPECIAL SERVICE DISTRICT NUMBER 8

Commissioner Smith made a motion to ratify the adoption of Resolution 09-11-17, a resolution signing signature cards for Special Service District Number 8. Commissioner Walker stepped from the chair and **SECONDED** the motion. The voting was unanimous and the motion carried. ***need copy***

RATIFY THE MOTION TO ALLOW TREASURER HANSEN TO WAIVE PENALTIES AND INTEREST ON CERTAIN TAX PAYMENTS WHEN TAX NOTICES ARE NOT RECEIVED

Commissioner Smith made a motion to give Treasurer Hansen the authority to waive penalties and interest on certain tax payments when notices are not received.

Commissioner Walker stepped from the chair and **SECONDED** the motion. The voting was unanimous and the motion carried.

RESOLUTION 09-11-17A, A RESOLUTION RATIFYING THE APPOINTMENT OF A MILLARD COUNTY REPRESENTATIVE AND AN ALTERNATE REPRESENTATIVE FOR THE UTAH COUNTY INSURANCE POOL (UCIP) ANNUAL MEMBERSHIP MEETING

Commissioner Smith made a motion to adopt Resolution 09-11-17A, a resolution ratifying the appointment of Commissioner Walker to serve as Millard County's Representative and Richard Waddingham as the alternate representative for the UCIP annual membership meeting with voting rights. Commissioner Walker stepped from the chair and **SECONDED** the motion.

Clerk Norma Brunson called for a roll call vote. Commissioner Smith voted Yes. Commissioner Walker voted Yes. The voting was passed as a majority vote and the motion carried.

DISCUSSION AND POSSIBLE APPROVAL OF MILLARD ECONOMIC DEVELOPMENT ASSOCIATION (MEDA) MEMBERS

Commissioner Walker said that the MEDA board is recommending Elend Lebaron to run a second term and Bob Chevalier to complete Stacey Sentker's term which expires January 2012.

Commissioner Smith made a motion to approve Elend Lebaron and Bob Chevalier as MEDA board members.

Commissioner Walker stepped from the chair and **SECONDED** the motion. The voting was unanimous and the motion carried.

DISCUSSION AND POSSIBLE APPROVAL OF A NEW MEDA BOARD CHAIRMAN

The MEDA board recommends Elend Lebaron to serve as the MEDA Board Chairman for a one year term.

Commissioner Smith made a motion to appoint Elend Lebaron to serve as the MEDA Board Chairman for the term of one year.

Commissioner Walker stepped from the chair and **SECONDED** the motion. The voting was unanimous and the motion carried.

DISCUSSION AND POSSIBLE APPROVAL FOR BUILDING INSPECTION SERVICES FOR SELECT CITIES

Inspection service fees are currently split 60% for the towns/cities and 40% for the county on building inspection contract services with the municipalities. The contracts will be amended to reflect the fee split 60% for the county and 40% for the municipalities. Attorney Waddingham said that the county will need to get a copy of the current contracts and amend the provision dealing with the 60/40 split. The county would not need to have another interlocal agreement.

Commissioner Smith made a motion to amend each of the contracts with the municipalities to reflect a 60/40 split, whereas in the current contract it is stated as a 40/60 split.

Commissioner Walker stepped from the chair and **SECONDED** the motion.

The voting was unanimous and the motion carried.

DISCUSSION AND POSSIBLE SIGNING OF PLAT MAPS FOR MIKE AND JOYCE BARNEY

Joyce Barney with Sunset View said that they have a local resident who wants to build a home on property that wasn't on one of the recorded parcels. The maps are a phase or part of the planned development that was approved by the county a long time ago.

Commissioner Smith made a motion to approve and sign the plat maps for Plat G, Plat H and phase 1 of Plat H for the Sunset View Estates planned unit development project.

Commissioner Walker stepped from the chair and **SECONDED** the motion. The voting was unanimous and the motion carried.

REVIEW AND POSSIBLE APPROVAL OF THE STATE FORESTRY BUDGET - HOWARD ALLRED

Howard Allred stated that the budget was approved by the Fire District and needs to be reviewed and signed by the commission. Mr. Allred stated that the expenditures through the Millard County Road Department and Sheriff's Department was just under \$39,000 for the Saw Mill Fire.

Commissioner Smith said this is an on going agreement and that the county appreciates the agreement and the efforts that are made. The amount for 2010 is \$144,486, with the State Fire Fund fee of \$76,402 which is the amount that the county has to expend before the State Fire Fund kicks in.

Commissioner Smith made a motion to approve the Wild Land Fire Budget between Millard County and Utah Division of Forestry, Fire and State Lands for Calendar year 2010 in the amount of \$144,486.

Commissioner Walker stepped from the chair and **SECONDED** the motion. The voting was unanimous and the motion carried.

PUBLIC INPUT

Donald Brown, Hinckley Town Mayor, and Christie Tolbert, Hinckley Town Mayor Elect, came to the commission meeting today to discuss building permits.

Mayor Brown said that Hinckley Town is using a county building inspector for building permits. He was wondering if Hinckley Town could regulate that cost

or whether the county would need to regulate that cost. He also said that he, as the town mayor, and Hinckley Town council want to try and keep the costs down to make it affordable for people to build. They do not want to make money off of somebody's building.

Commissioner Smith said the County adopted a fee schedule by ordinance and the cities have used that ordinance. He doesn't see a problem with the cities waiving part of their fees if they choose, but he wants to talk to the attorney to be sure. He also stated that the county has tried to keep the fees as low as they can county wide. In comparison to a lot of other places Millard County's fees are lower.

Attorney Waddingham stated that he would like to talk to Derrel Owens, building inspector, to see what the mandatory fees are and what, if anything, can be reduced. Contractually, Hinckley Town could do just about what they want to do, but if there are mandatory fees those fees would have to be followed. Attorney Waddingham said that he will let Hinckley Mayor Brown know what he finds out.

Attorney Waddingham also stated that the county is trying to keep all the fees consistent throughout the county.

Meadow Town Mayor Lynette Madsen stated that Meadow Town charges potential builders Millard County's regulated fee. With that money Meadow Town pays all the building related fees. Whatever is left after the final inspection is passed, Meadow Town will reimburse to the payee.

After more discussion Commissioner Smith said that the county will look into the fee schedule and see if they can work it differently.

APPROVAL OF NOVEMBER 17, 2009 COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held November 17, 2009 were presented for consideration and approval. Following review and consideration of minor corrections Commissioner Smith made a motion to approve the minutes of November 17, 2009, as corrected. Commissioner Walker stepped from the chair and **SECONDED** the motion. The voting was unanimous and the motion carried.

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

Commissioner Smith reported that Paula Christensen who is a member of the Planning Commission suffered a stroke. The county's thoughts and prayers are with her and her family as well as with Dave Sterling, a planning committee member and his family, for his father who is having some health issues. There may not be enough board members available to hold the scheduled meeting on Wednesday. If one of the other board members cannot make it to the meeting it will have to be cancelled.

Some of the other board members are having difficulties and the county appreciates their service.

There is still a need for another member for Special Service District Number 8. The need is for someone from the east side area who does not live in an incorporated city. They will hold a budget meeting on Thursday evening.

Commissioner Smith reported that he had a meeting yesterday with the weed board. He also said he appreciates Trent Wilde, the County Extension Agent, who put the meeting together and who is trying to get the weed board back on track.

There was discussion of the Weed Board's responsibility and the statutory requirements that the board has under state law and through the Department of Agriculture. He stated that it helps to have a good county agent to help facilitate boards like this.

The county weed board program is a mandatory program whose members are appointed by the Millard County Commission. The statute states that Millard County will create a fund for the weed department to function and that the weed department will have a designated weed supervisor to handle weed issues within the county.

The weed board is currently discussing how to be more efficient in providing that service. The weed supervisor would have authority with recourse through the County Attorney's office for those who are deemed negligent on not controlling noxious weeds.

The Weed Board currently has a budget of \$50,000 in the county's adopted tentative budget.

Commissioner Smith expressed thanks to the members who serve on the Weed Board.

Commissioner Smith reported that Commissioner Walker was celebrating her birthday today. Everyone wished her a Happy Birthday.

Commissioner Smith reported that there was a safety issue with a sign down by Deseret. The sign has been moved back a ways and to the other side of the road so it will no longer block the view of traffic.

Commissioners Smith and Whatcott met with the elected officials and Darrel Moon, Chief Officer of Apple, to discuss the Apple Program. They talked about a number of different options; one option was not to tie the employees' spouses to the program, but still make it available to the spouses for a fee. If the employee chooses to go with the Apple Program the county will offer a 10% discount to the employee for their insurance cost as an incentive.

Commissioner Walker reported that as Vice Chair of Central Utah Mental Health she conducted the board's monthly meeting at the newly completed Sevier County Fairgrounds in Richfield, Utah. Topics discussed included the budget for 2010, which is expected to remain financially stable despite state budget shortages. Also, the new Central Utah Mental Health center in Nephi will soon open and plans for constructing a new center in Ephraim are underway.

Commissioner Walker attended a Women in Business luncheon in Fillmore. The new owner of Grand Peaks Mortgage in Fillmore introduced her business.

Commissioners Walker and Smith attended the fall dinner of the County offices in Delta.

Commissioner Walker met with Keith Meinhardt of UDOT to discuss warning signs to alert drivers of open range for livestock along HWY 125 to and from Oak City.

Commissioner Walker and Auditor Grace met with the Days of the Old West Rodeo Committee to discuss revenues and expenditures of the 2009 Rodeo. Revenue was \$51,964.42, with an estimated loss of \$13,000 from 2008. The Rodeo committee explained that the loss was due to a \$3,000 drop in sponsorship as well as \$9,000 due from businesses with advertising signs in the outdoor arena at the fairgrounds in Delta, Utah. If the signs remain unpaid they will be removed from the arena. The committee also experienced a decline in the number of signs with some businesses withdrawing from the advertising program.

Clerk Brunson said that she spoke with Howard Western regarding the new sound system that will be placed in the Commission Chambers. The previous price he quoted did not include two microphones needed. After calculating the cost of the microphones the estimated price will go up \$188.26.

OTHER BUSINESS

Millard County has drafted a letter regarding additions to current Enterprise Zone areas. An Enterprise Zone is a State Tax Rebate for a business' expansion. This does not require action by the Planning Commission and will not affect county property taxes. This is strictly a state program. Properties suggested were Magnum Gas Storage, Stephenson Drilling, Jackson Dairy, CG Porter Trucking, Osguthorpe Ranch, Liquadry, Paramount Cubing, Dutson Honey, Double T Feeds and Nature's Organix. A copy of this letter will be on file at the County Clerks Office.

Commissioner Smith made a motion to add the sections and properties stated above (and in the letter) to the Millard County Enterprise Zone and for the Millard County map to reflect those zones.

Commissioner Walker stepped from the chair and SECONDED the motion. The voting was unanimous and the motion carried.

Attorney Waddingham said that he had Bryant Anderson, Commercial Radio, sign an approved contract and now needs the Commission Chairperson to sign it.

Commissioner Smith stated that he wanted an item added to the agenda for the next commission meeting regarding a NACo prescription plan discount card program. How the plan works is any resident of Millard County would be able to obtain a card at no cost and use it at any participating pharmacy to receive up to a 20% discount for their prescription drugs.

Commissioner Smith said that at the last meeting it was mentioned that the county received an invoice for the work done on Willow Creek Road. The Forest Service has submitted a request to its grant department to pay that invoice. The County will hold on to the invoice until it receives the grant payment from the Forest Service.

Mel Bolling, US Forest Service, said that the Forest Service completed the rotto milling work up on Willow Creek Road. It was a very successful project and looks like it is going to be a very nice product. The workers have done a really good job.

Mr. Bolling wanted to make sure that the county received a copy of the invoice that Steve Rodriguez submitted.

Commissioner Smith stated that Mr. Rodriguez submitted a letter explaining that the invoice was a little higher.

Commissioner Smith stated that earlier in the meeting it was discussed to hold the invoice for payment on the Willow Creek Road until the grant money is received. Mr. Bolling said that he understood that the county was to submit an invoice to Steve Rodriguez and he would release payment at that time. Commissioner Smith said that the County will submit an invoice to Steve Rodriguez for payment.

Mr. Bolling stated that the bridge in Oak Creek Canyon that accesses the campground has been completed as well as some other work along the road. He also said that Mr. Rodriguez would like to come to the next commission meeting to show some pictures of the road work in progress, as well as to discuss potential projects for 2010.

Mr. Bolling stated that the Forest Service is likely to receive more maintenance dollars this year through appropriation so they are hoping to get a lot more done.

Mr. Bolling stated that they are still working on the Saw Mill Canyon Fire rehab and have people bidding on the contract for the chaining. Another Department of Natural Resources (DNR) has already spread some seed on both DNR property, state property and private property. He stated that weather permitting they should be able to get quit a bit done this month.

Commissioner Smith said that there was a meeting a while ago with some of the private property owners involved and questioned if anyone has been in contact with the private property owners since that meeting.

Mr. Bolling said that he understands that the Utah State Fire Forestry and or the Utah Division of Wild Life Resources have been working directly with the private property owners.

Commissioner Smith asked if the Forest Service's final Resource Management Plan (RMP) is still on hold Mr. Bolling confirmed that the final RMP has been placed on hold for the time being.

AUDITOR'S REPORT

Auditor Brandy Grace presented the check edit of November 25, 2009 for the commissioners to review and sign.

POSSIBLE APPROVAL OF HARDSHIP ABATEMENT APPLICATIONS

There were none.

TREASURER'S REPORT

There was none.

OTHER

Commissioner Walker stated that she received a letter from the Utah State Tax Commission regarding an invoice for appraiser support for board of equalization. A copy of this letter is attached to the minutes.

Commissioner Smith made a motion to sign the State Tax Commission Invoice. Commissioner Walker stepped from the chair and SECONDED the motion. The voting was unanimous and the motion carried.

As previously discussed, Commissioner Smith said that the county received an invoice regarding the Willow Creek Road. Mel Bolling from the US Forest Service said that the county will need to submit an invoice to the Forest Service then the Forest Service will release the grant money. It was decided that Auditor Grace will submit the invoice to the Forest Service for the release of the money.

There was discussion regarding the cost of copying cd's/tapes associated with GRAMA requests. Cd's/ tapes are \$10.00 each with an additional \$3.00 for mailing, totaling \$13.00.

A budget work session was held later in the afternoon. A tape recording of the work session will be on file at the Clerk's Office.

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

There was none.

WHERE UPON THE MEETING ADJOURNED

Commissioner Smith made a motion to adjourn the meeting. Commissioner Walker stepped from the chair and SECONDED the motion. The voting was unanimous and the meeting adjourned at 12:05 p.m..

Attest: _____

Approved: _____