

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 1st DAY OF JUNE 2010
AT THE COURTHOUSE, FILLMORE, UTAH

PRESENT: Daron P. Smith..... Chairperson
Bart A. Whatcott. Commissioner

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

ALSO PRESENT: Gale Chapman Citizen
Craig Greathouse Citizen
Virginia Josse Citizen
Dean Draper Chronicle Progress
Del Barnhurst US Forest Service
Lindsay Mitchell Sheriff’s Office
Robert Dekker County Sheriff
Brandy Grace County Auditor
John Hansen County Treasurer
Pat Manis County Assessor
Connie Hansen..... County Recorder

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 Smith to the public and Commission members.

OPENING STATEMENTS

Commissioner Smith asked if anyone had an opening statement to give. Commissioner Whatcott repeated a quote he read, “Friends are like stars, sometimes you don’t see them but you always know they are there”. Commissioner Smith said the invocation. Everyone stood and said the Pledge of Allegiance to the Flag.

INTERVIEWS FOR THE MILLARD COUNTY COMMISSION SEAT: GALE CHAPMAN, CRAIG GREATHOUSE AND VIRGINIA JOSSE

Commissioner Smith read a letter which was received from the Millard County Republican Party Chair Peter Greathouse stating that the Republican Party has gone through the process of interviewing and submitting three names in order of preference to the County Commission. The Commissioners interviewed each of the candidates as follows: Gale Chapman, Craig Greathouse and Virginia Josse.

The commissioners asked specific questions to each candidate and were given responses.

After interviewing all the candidates the commissioners expressed that they would make a decision after lunch today and then he/she would be sworn in at the next commission meeting. *The interviews have been recorded as part of a public meeting and are available for review at the Millard County Clerk's Office.*

Later, Commissioner Smith said that during a closed session the commissioners discussed the interviews, the three candidates and the process involved. The Republican Party submitted three names in preference which the commissioners took into consideration.

The commissioners stated that all three candidates were good and each had strong points. Both commissioners categorized the candidates based on three questions and debated back and forth the strengths and weaknesses of each candidate. This was not an easy decision. The commissioners made their decision based on the qualifications and the needs of the county.

Commissioner Whatcott made a motion to appoint Craig Greathouse as the interim county commissioner.

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

RATIFY THE APPROVAL OF THE BOOKMOBILE CONTRACT

Commissioner Whatcott made a motion to ratify the approval of the bookmobile contract between Millard County and the State of Utah.

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

Commissioner Whatcott said you can do a lot more than just read books at the bookmobile. You can download a book to an Ipad or Iphone, check your email, apply for jobs, access wireless internet, print airline tickets, listen to audio books, apply for government services and check out the books.

FILING OF DISCLOSURE STATEMENTS

Disclosure Statements were submitted from the following employee:

Cindy L. Staples

POSSIBLE SIGNING OF THE REPAYMENT AGREEMENT WITH THE US DEPARTMENT OF INTERIOR MINERAL MANAGEMENT

Treasurer Hansen said that the agreement may not be needed anymore.

Auditor Grace read the letter to the commission regarding the agreement. The letter states that the county would need to either pay the money back within 30 days or sign the agreement which would allow the county to pay the money back no later than December 31, 2010.

Commissioner Whatcott made a motion to sign the repayment agreement with the US Department of the Interior Mineral Management.

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

SURPLUS REAL PROPERTY BID OPENING

There was only one bid received for the surplus real property. Auditor Grace opened the bid submitted by Dale Richardson. Mr. Richardson bid the following:

Parcel # HD-3480-3-3	\$275.00
Parcel # HD-3480-3-4	\$127.00
Parcel # HD-3480-3-5	\$127.00

Commissioner Smith made a motion to accept the bid presented by Dale Richardson.

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

DISCUSSION AND POSSIBLE APPOINTMENT OF ROLAND COMEAU TO SERVE ANOTHER TERM AS THE CHAIRMAN ON THE MILLARD COUNTY HOUSING AUTHORITY BOARD

Commissioner Whatcott made a motion to appoint Roland Comeau to serve another term as the chairman on the Millard County Housing Authority Board.

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

DISCUSSION AND POSSIBLE ADOPTION OF ORDINANCE NO 10-06-01, AN ORDINANCE TO PLACE A MORATORIUM DEVELOPMENT ON HILLSIDES FOR SIX MONTHS UNTIL A LAND USE ORDINANCE IS ENACTED TO ADDRESS THE HISTORIC WATER FLOWS AND SOURCE PROTECTION AREAS. AS REQUESTED BY FILLMORE CITY

Attorney Waddingham said that there have been several questions brought up regarding this issue and he recommends that the ordinance not be passed today. He explained his reasoning why he feels the ordinance should be tabled.

The Commissioners would like to invite the city and town mayors of Millard County to attend the next commission meeting where this item will be discussed further.

This item was tabled until the next commission meeting.

Commissioner Whatcott made a motion to table the consideration of Ordinance 10-06-01, an Ordinance to place a moratorium development on hillsides for six months until a land use ordinance is enacted to address the historic water flows and source protection areas. Requested by Fillmore City.

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

FOREST SERVICE UPDATE - DEL BARNHURST

Del Barnhurst, District Ranger, reported the following:

- They are working on travel plan implementation for rout decommissioning obliteration on the canyon range.
- They have started working on roads last week. He will get a map to the commissioners of the roads that are or will be closed.
- They have chained and seeded the area by Scipio which was affected by the saw mill fire.
- They have bid out a contract to rebuild about 6 1/4 miles of boundary fence on the east side of the road between the forest and the state and private land. It should be started on around mid July. They are holding a pre bid meeting for the contractors on June 11, 2010.
- The state has worked with private land owners on re-seeding their land and helping with fencing.
- They are concerned with the snow on the trails with the upcoming ATV Jamboree. Commissioner Whatcott said they are aware that the Fillmore loop may not be accessible for this year's Jamboree.
- Several Roads are still closed. The road from Chalk Creek up to the end of the canyon has been opened; beyond that point it is still closed.
- The road up Second Creek over to Clear Creek has been re-closed due to a huge hole which has caused several vehicles to get stuck. They are hoping to have it fixed and opened before the ATV Jamboree.
- They are possibly going to contract with the county for grading and graveling.
- They are wanting to get the rottomilling done on Chalk Creek Road to the top of the mountain like they did on Willow Creek Road last year.
- They are working on getting a public meeting together regarding the summer fires, policies and some new things that will be happening. They would like the commissioners and mayors to attend. A tentative date was set for June 28 or 29.

DISCUSSION AND POSSIBLE APPROVAL OF AN AMBULANCE ABATEMENT - LINDSAY MITCHELL

Lindsay Mitchell presented the commissioners with an ambulance abatement application from Kalin Denev for an ambulance bill totaling \$1,083.80.

The commissioners reviewed the application and all the information Mr. Denev provided. Commissioner Whatcott suggested that Ms. Mitchell call Mr. Denev and ask a few questions regarding his ability to work and if he has any other financial resources available to help pay for the ambulance bill.

This application will be revisited at another commission meeting.

POSSIBLE APPROVAL OF THE UTAH COURTS CONTRACT - SHERIFF DEKKER

Sheriff Dekker presented the court contract for 2011 for the bailiff for court security. The contract provisions are the same as the 2010 contract. Attorney Waddingham had reviewed the contract.

Commissioner Whatcott made a motion to approve the 2011 Utah Courts Contract for bailiff court security.

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

DISCUSSION ON COMMUNICATION COSTS - SHERIFF DEKKER AND RICHARD BECKSTRAND

Richard Beckstrand said that the state has contacted him requesting a count of the connections in the county. The state has been charging \$45 per connection to use its T1 line which is estimated to be \$2700 a month. Mr. Beckstrand has been looking at the cost of a full T1 line through Crystal Peaks which would cost between \$500 to \$600 a month.

The state has to recover costs for the services that they provide to the county. The problem is that the state has to provide the T1 line at the public safety building for Adult Probation and Parole and the Utah Highway Patrol. The county is already paying for almost half the cost of the T1 line and the state is wanting to charge more.

Mr. Beckstrand wanted to look at different ways financially that will give the county better service than what it is getting through the state right now. He has put in a call to Frontier Communications requesting information pertaining to metro ethernet and fiber and the cost for each. He will inform the commissioners of what he finds out from Frontier Communications.

PUBLIC INPUT

There was none.

Commissioner Whatcott made a motion to recess for lunch.

Commissioner Smith SECONDED the motion. The voting was unanimous and the motion carried. The meeting recessed at 12:11 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 1:52 p.m..

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

Commissioner Whatcott made a motion to go into a closed executive session to discuss the character, professional competence or physical or mental health of an individual.

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

After the closed executive session the regular meeting reconvened at 2:47 p.m..

OTHER BUSINESS

Clerk Brunson reminded the commissioners of canvassing the ballots on Tuesday, July 6, 2010 at 12:00 p.m..

Commissioner Smith said that at the last meeting the commission discussed the USGS agreement for the groundwater study model. It was decided that the county would wait to sign this agreement until it had confirmation of financial contribution by the other entities. He has talked to Juab County and Tooele County and each has verbally committed that it will contribute financially to the USGS agreement. He will approach Beaver County next. Tooele County said that it was discussed in its commission meeting and would contribute \$25,000.

Commissioner Smith contacted the Department of Natural Resources who committed to the idea that they would participate, but the county may have to help them get an appropriation of \$25,000 at the next legislative session.

Dean Draper, Chronicle Progress, informed the commissioners that there will be a meeting held Thursday, June 3, 2010, at 6:00 p.m. in Baker, Nevada to discuss the groundwater issue.

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

Commissioners Whatcott and Smith attended a Western Interstate Region Conference (WIR) in Billings, MT last week. They identified things that they wanted to see proceed forward. They talked about organizing a task force of the WIR board of directors and to form a national cohesive strategy, working with wildfire land management. Utah seemed to be the one pushing the whole thing.

They also discussed dealing with the Pine Beetle affecting some species of pine trees and being able to make more productive use of public land. One thing talked about was what would take place if a special interest group was to oppose spraying for the Pine Beetle; if the beetles kill a large track of forest the interest group would be required to put up a bond prior to making a protest.

Commissioner Whatcott said the best thing up there was networking with the other states and

the commissioners. They all seem to have the same issues.

Commissioner Whatcott said overall it was well worth the time they spent there.

Commissioner Smith said that he enjoyed meeting and working with the other officials from around the Western United States. Public lands is a big issue and it is unsure that it will ever be resolved to everyone's satisfaction.

Attorney Waddingham said that he and Treasurer Hansen met with the drainage districts. The districts do not want to levy a tax. They want to impose a fee or charge after deciding how much they need. Attorney Waddingham told them to make a clear record justifying the reason for the fee. It was a consensus from all the districts to go that way.

Treasurer Hansen said that any parcel of property that is within those boundaries that have a benefit or a value from the drain would be assessed a fee, which means entities that are normally exempt will now be assessed a fee. Everyone affected will now have to pay the fee.

APPROVAL OF MAY 18, 2010 COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held May 18, 2010 were presented for consideration and approval. Following review and consideration of minor corrections Commissioner Whatcott made a motion to approve the minutes of May 18, 2010, as corrected.

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

AUDITOR'S REPORT

Auditor Grace presented the check edit of May 28, 2010 for the commissioners to review and sign.

Auditor Grace said that Deb Haveron contacted her to let her know that she has not received any rodeo revenue. It seemed odd to her that funds have not been collected yet.

Auditor Grace presented a request to authorize a purchasing card for Darlene Scott, USU Extension.

Commissioner Whatcott made a motion to issue Darlene Scott a credit card with a limit of \$1000 for purchasing 4-H or related material.

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

Auditor Grace presented the 2010 Tax Sale Reconciliation for the commissioners to review and sign.

She said four parcels came back to the county, all of which were Deseret Estates. Commissioner Smith said that he appreciates the efforts of the auditor, treasurer, attorney and the sheriff for the tax sale.

Commissioner Smith made a motion to approve the 2010 final tax sale.

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

Auditor Grace presented to the commissioners a request for reimbursement form which contains new language.

POSSIBLE APPROVAL OF HARDSHIP ABATEMENT APPLICATIONS

There were none.

POSSIBLE BOARD OF EQUALIZATION (BOE) DISCUSSION AND OR ACTION

Commissioner Smith made a motion to enter into a BOE.

Commissioner Whatcott SECONDED the motion. The voting was unanimous and the motion carried. The BOE began at 3:26 p.m..

Auditor Grace said that when she followed up with Jane Beckwith on the Topaz Museum exempt properties it was discovered that parcel numbers 163510 and 131236 should have exempt status as well.

Commissioner Smith made a motion to make parcel numbers 163510 and 131236 exempt. Commissioner Whatcott SECONDED the motion. The voting was unanimous and the motion carried.

Commission Smith made a motion to close the BOE.

Commissioner Whatcott SECONDED the motion. The voting was unanimous and the motion carried. The BOE ended at 3:28 p.m..

TREASURER'S REPORT

Treasurer Hansen presented the Treasurer's Financial Report for the month of May 2010 for the commissioners to review.

Treasurer Hansen said that one of the positives of being at the drainage district meeting was that some of the board members realized that some of the problems thought to be the county's were really the board's problems.

Treasurer Hansen said that at an earlier meeting there was a discussion about the reserve on hand and the investment part of it. He shared the last publication he received from the State Treasurer's office. The way its portfolio is comprised, it has 74.79% of its holding in corporate debt, the other 25% is divided into treasury and agencies, cd's, money markets and corporate paper. As the county looks at the money in terms of relative security, its money being invested in cd's should be as good as the State Treasurer's money.

OTHER

WORK SESSION FOR ALL ELECTED OFFICIALS TO DISCUSS TAX RATE VALUES

A work session was held to discuss tax rate values. No decisions were made. *A recording of this work session in its entirety is on file at the clerk's office and is available for review.*

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 3:32 p.m..

Attest: _____

Approved: _____