

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 5th DAY OF JULY 2011
AT THE COURTHOUSE, FILLMORE, UTAH

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

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

ALSO PRESENT: Klint Penney. East Millard Maintenance
John Hansen County Treasurer
Brandy Grace County Auditor

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 Whatcott to the public and Commission members.

OPENING STATEMENTS

Commissioner Whatcott asked if anyone had an opening statement to give. Commissioner Smith thanked the communities, Delta City and Fillmore City, for the great fourth of July celebration they each put on. The celebration in each community was very well attended. He said that those communities do a lot of work to put these activities on and he thinks that they do a great job. Commissioner Whatcott said that he appreciates the volunteers. Without the volunteers these kinds of things would not work. Commissioner Withers said the invocation. Everyone stood and said the Pledge of Allegiance to the Flag.

RATIFY THE APPROVAL OF THE LONG TERM DISABILITY (LTD) BENEFIT CONTRACT COVERING TIER 2 MEMBERS

This item was tabled.

RATIFY THE APPROVAL OF EXPENDING TOURISM MONEY TO PROMOTE THE RACES

HELD ON SATURDAY, JUNE 25, 2011

Commissioner Smith made a motion to ratify the approval of expending tourism money to promote the races held on Saturday, June 25, 2011.

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

RATIFY THE MOTION FOR THE COMMISSION CHAIR TO SIGN THE 2010 STIPULATION AGREEMENT WITH FIRST WIND, CONTINGENT ON TOM PETERS' RECOMMENDATION

Commissioner Withers made a motion to ratify the commission chair signing the 2010 Stipulation Agreement with First Wind, contingent on Tom Peters' recommendation.

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

POSSIBLE APPROVAL OF THE APPLICATION FORM FOR STORING EXPLOSIVE MATERIAL IN MILLARD COUNTY

Commissioner Smith made a motion to strike from the agenda the approval of the application form for storing explosive material in Millard County. This will be considered at a later date.

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

REVIEW AND POSSIBLE APPROVAL OF A BUSINESS LICENSE FOR ROBERT C. APPERSON CABINETS - OWNER ROBERT C. APPERSON

A business license application was presented for Robert C. Apperson Cabinets - Owner Robert C. Apperson. After review of the business license application and finding all the signatures in order, Commissioner Smith made a motion to approve the business license for Robert C. Apperson Cabinets - Owner Robert C. Apperson pending verification of his contractor's license.

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

MAGNUM GAS STORAGE CONSTRUCTION AND PROGRESS UPDATE

This item was tabled.

DISCUSSION AND POSSIBLE APPROVAL OF HIGH RISK ROAD SIGNS FOR THE COUNTY

Commissioner Withers made a motion to approve the assessment and placement of high risk road signs for the county and instructing Attorney Waddingham to coordinate with Thayne Henrie on procedural matters to make sure that procedures are followed.

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

carried.

CONSIDERATION AND POSSIBLE APPROVAL OF AN AGREEMENT FOR ENGINEERING AND TECHNICAL SERVICES BETWEEN MILLARD COUNTY AND SUNRISE ENGINEERING INC. REGARDING BUILDING INSPECTIONS AND PLAN REVIEW SERVICES WHEN THE MILLARD COUNTY BUILDING INSPECTOR IS UNAVAILABLE

Commissioner Smith explained that in the past the county would contract with Matt Ziegler, who is now an employee of Sunrise Engineering, when the county needed additional engineering services.

Commissioner Withers made a motion to table the agreement for engineering and technical services between Millard County and Sunrise Engineering Inc. regarding building inspections and plan review services when the Millard County Building Inspector is unavailable.

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

DISCUSSION AND POSSIBLE ADOPTION OF RESOLUTION 11-07-05, A RESOLUTION AMENDING THE STEP AND GRADE POLICY TO CHANGE THE TIME PERIOD FOR EVALUATING STEP AND GRADE INCREASES

Commissioner Smith made a motion to move this agenda item to the auditor's report.

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

DISCUSSION AND POSSIBLE ADOPTION OF MILLARD COUNTY'S 2011 GENERAL TAX RATE AND LOCAL ASSESSING AND COLLECTING TAX RATE

Commissioner Smith explained that the certified tax rate was .003393 which is the rate the county could set. This rate would allow the county to capture more of the revenue from new growth. The 2010 rate of .003374 will allow the county to capture most of the revenue from new growth.

Commissioner Smith made a motion to adopt the certified tax rate of .000226 as the local assessing and collecting tax rate.

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

Commissioner Smith made a motion to adopt .003374 as the Millard County 2011 general tax rate.

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

DISCUSSION AND POSSIBLE APPROVAL OF AN AGREEMENT WITH UTAH

RETIREMENT SYSTEMS FOR LONG TERM DISABILITY

Commissioner Smith made a motion to approve the agreement with Utah Retirement Systems for LTD.

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

REVIEW AND POSSIBLE ADOPTION OF THE NEW INDIGENT BURIAL APPLICATION

Commissioner Withers made a motion to adopt the new indigent burial application form. Commissioner Smith SECONDED the motion. The voting was unanimous and the motion carried.

UNEV CONSTRUCTION AND PROGRESS UPDATE

This item was tabled.

CONVENE AS A BOARD OF EQUALIZATION (BOE) DISCUSSION AND POSSIBLE APPROVAL OF PERSONAL PROPERTY EXEMPTIONS

Commissioner Withers made a motion to convene as a BOE to discuss personal property exemptions.

Commissioner Smith SECONDED the motion. The voting was unanimous and the motion carried. The BOE began at 10:51 a.m..

Commissioner Whatcott said that he reviewed the list of exempt properties prepared by Assessor Manis. Assessor Manis said that personal property value has come down since last year from approximately \$35,000,000.00 to \$30,000,000.00.

Assessor Manis said that the assessor's office only had enough money budgeted to do 10 audits this year. In the past the assessor's office did 20 audits every year. He is planning to go through a process to see how many properties the commission would like to have audited next year.

Assessor Manis said that they have considered that several home based businesses do not have more than \$3,800 in personal property value. He said that some of those businesses have applied for an exemption. There are several names on the exemption list that will appear on the list every year.

Assessor Manis pulled the last three audit increases performed by the State of Utah. In 2008 the audit showed an increase of \$720,612.00, in 2009 it showed an increase of \$885,661.00, and in 2010 it showed an increase of \$613,689.00.

Commissioner Withers made a motion to approve the personal property value exemptions. Commissioner Smith SECONDED the motion. The voting was unanimous and the motion carried.

Commissioner Smith made a motion to close the BOE.

Commissioner Withers SECONDED the motion. The voting was unanimous and the motion carried. The BOE ended at 11:00 a.m..

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

Commissioner Withers reported that several people asked about the potential mosquito problem. He informed them that the county is doing all that they can and will continue to try to keep the mosquitos under control.

Commissioner Withers said that volunteers in the county are very much appreciated and it is important to have volunteers in the community.

Commissioner Withers attended a phone conference with Commissioner Smith, Commissioner Whatcott and Attorney Waddingham concerning First Wind's valuation. He said he appreciates getting that taken care of.

Commissioner Smith said that the county had a pretty good race on the Millard County race track which was held on June 25, 2011. There were approximately 500 people who attended. He said that there was a pretty good showing of people from out of the area.

Commissioner Smith met with Kevin Morris about a gentleman who would like to advertise and hold a series of races at the Millard County race track. He would like to meet with the commissioners to discuss the legalities of putting on some races. There are a couple of major sponsors who are interested in paying to have a lighting system put in at the track.

Some of the sponsors would like to put up some billboards along the east side of the racetrack. They discussed the possibility of charging vendors for advertising on those billboards and splitting the revenue 60/40 with the county.

Attorney Waddingham said that he prepared the liability forms for the race held on June 25, 2011. The forms can be used for other events if the forms are modified.

Commissioner Withers said that he thought the event was very well attended for its first event. They did a very good job.

Commissioner Smith said that Delta City used the county bleachers for the parade. They got a lot of good use out of them and the bleachers looked really nice. The Hinckley Lions Club used the bleachers for the demolition derby and paid a fee per seat.

The commissioners talked about amending the county policy to reflect the fee that will be charged for the use of the bleachers. If an entity will charge an entrance fee for the event the county will charge that entity a fee for the use of the bleachers. If the entity will not be charging a fee for the event the county will not charge a fee for the use of the bleachers.

The commission discussed charging a small fee to compensate the county for the gas used and the time spent on the delivery and set up of the bleachers, even if the entity will not be charging a fee for its event. Commissioner Smith will try and have something in writing for the next commission meeting.

Commissioner Smith said that the Fourth of July is a big weekend for the Gunnison Bend Reservoir (Res). The state contract for the Res ran out on July 1, 2011. In the past the county contracted with the State for \$2,500 and the State contracted with Rhett Kimball. Mr. Kimball is willing to contract with the county.

If there is no contract in place the county deputies would respond to calls. There have been some instances where the deputies were called out to the Res because some boats were cutting off jet skis and causing problems. The commission also discussed the safety of the bystanders who visit the Res.

The commissioners will discuss the coverage of the Res further with the County Sheriff.

Commissioner Smith reported that the golf course did really good this weekend. There was a citizen who complimented how nice the golf course was and how the county does a great job.

Commissioner Smith attended the UAC Board Meeting and the USAC Summer Training Conference in Moab, Utah on June 23 and 24.

They discussed that there was an indigent defense task force formed that looked at the ACLU who filed a suit against the State of Utah regarding the appeal process for criminal cases and their defense. USAC agreed to support a letter sent to have this group change its focus to the trial court representation instead of the appeal process. They are trying to be proactive because of this claim by the ACLU. The committee is going to get together to study that. They talked about the state taking over the indigent defense contract and having the state be more involved with the public defenders instead of having the county so involved.

They also talked about all the emergency flooding this year. They are going to have a committee get together to talk about the things the counties have learned about flooding.

They talked about the RS2477 issues. There were some representatives from BLM and some of the county sheriffs and an attorney from the Department of Interior present at this meeting. They tried to establish if the BLM resource officers have legal authority to write tickets to enforce the laws of the State of Utah when they are not trained. The position of county sheriffs is that county sheriffs' departments enforce Utah State laws and the BLM officers cannot enforce those laws.

They also talked about congressional issues. Representative Bishop has a new bill he introduced called the Utah Land Sovereignty Act which will amend one of the acts that give the state of Wyoming quite a bit of authority. The bill states that there will be no monuments created in the State of Wyoming through the antiquities act. Representative Bishop is trying to get the language changed to include Utah so that another national monument would not be possible except by Congress. They want everyone to get behind and support his bill.

Commissioner Whatcott attended the Paiute Trail Committee meeting that was held in Fillmore at the Millard County Commission Chambers. These meetings are being rotated between different counties.

Commissioner Whatcott met with Christine Osborne and Adam Britt, County GIS, regarding the RS2477 road issues for Millard County.

Commissioners Whatcott, Withers and Smith, along with Auditor Grace and Treasurer

Hansen, attended the Milford Wind Phase II ribbon cutting ceremony.

Commissioner Whatcott attended a public health meeting in Richfield. He also attended the Tourism ATV Jamboree meeting and then helped with the National ATV Jamboree. The National ATV Jamboree was a good success even though the number of riders were down due to gas prices and snow still present on some of the trails.

Commissioner Whatcott wanted to say thank you to the volunteers and make it known that the county runs on volunteers. He had a chance to participate in the patriotic program at the Millard High School and then cooking breakfast for the legion. He said it was great and he appreciates the volunteers and the cities hosting the Independence Day celebration.

APPROVAL OF JUNE 21, 2011 COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held June 21, 2011 were presented for consideration and approval. Following review and consideration of minor corrections Commissioner Withers made a motion to approve the minutes of June 21, 2011, as corrected.

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

OTHER BUSINESS

Klint Penney presented the commissioners with a letter regarding step and grade for John Orullian, East Millard Maintenance. The commission will review the letter and get back to Mr. Penney.

Mr. Penney discussed with the commission compliance and inspections for an underground fuel tank.

TREASURER'S REPORT

Treasurer Hansen presented the commissioners with the Treasurer's Financial Report for the month of June. He explained that these reports are done monthly and show the money that has been collected. He explained the line items on those reports to the commissioners.

Commissioner Withers 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 Withers made a motion to reconvene the meeting.

Commissioner Smith SECONDED the motion. The voting was unanimous and the motion carried. The meeting reconvened at 1:32 p.m..

PUBLIC INPUT

There was none.

DISCUSSION AND POSSIBLE ADOPTION OF RESOLUTION 11-07-05, A RESOLUTION AMENDING THE STEP AND GRADE POLICY TO CHANGE THE TIME PERIOD FOR EVALUATING STEP AND GRADE INCREASES

Attorney Waddingham read the changes made to the resolution.

Commissioner Smith made a motion to adopt Resolution 11-07-05, a resolution of the Millard County Commission amending section IX B. of the Millard County personnel policies and procedures manual entitled "General Wage/Salary Adjustments" by changing the time period for considering employee step increases and making stylistic changes in section IX A. and IX D. of the personnel policies and procedures manual for clarification.

Commissioner Withers SECONDED the motion. Clerk Brunson called for a roll call vote. Commissioner Smith voted YES. Commissioner Withers voted YES. Commissioner Whatcott voted YES. The voting was unanimous and the motion carried.

AUDITOR'S REPORT

Auditor Grace presented an agreement from the Utah State Library Division in the amount of \$116,924.00 for the commissioners to review and sign.

Commissioner Smith made a motion to sign the bookmobile contract with the Utah State Library Division.

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

Auditor Grace presented the check edit of July 5, 2011 for the commissioners to review and sign.

Auditor Grace said that the IRS is increasing the mileage rate from \$0.51 to \$0.55 effective July 1, 2011. She will send a memo informing all department heads of this increase.

Auditor Grace received a budget increase request from Todd Mullen, Millard County Golf Pro. The golf course received a \$1,200 check from Magnum to help with the Jr. Golf program. Mr. Mullen wanted to make sure that the commission would allow the increase in expenditures before he deposited the check.

POSSIBLE APPROVAL OF HARDSHIP ABATEMENT APPLICATIONS

There were none.

POSSIBLE BOARD OF EQUALIZATION (BOE) DISCUSSION AND OR ACTION

There was none.

OTHER

POSSIBLE REVIEW OF COUNTY POLICIES AND CONTRACTS

There were none.

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 Withers SECONDED the motion. The voting was unanimous and the meeting adjourned at 2:50 p.m.

Attest: _____

Approved: _____