

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 6th DAY OF DECEMBER 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: Ryan Hatch Utah Local Government Trust
Greg Baumgartner Utah Local Government Trust
Todd Thorne Six County AOG
Emery Polelonema Six County AOG
Howard Allred Utah Forestry Fire & State Lands
Fred Johnson. Utah Forestry Fire & State Lands
Marv Turner Utah Forestry Fire & State Lands
Wayne Jackson Utah State Commander AL
Dean Draper Chronicle Progress
Connie Hansen County Recorder
John Hansen County Treasurer
Brandy Grace County Auditor

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 Whatcott to the public and Commission members.

OPENING STATEMENTS

Commissioner Whatcott asked if anyone had an opening statement to give. Commissioner Smith said, "Some say the earth will end in fire, some say ice. I think the way the country is heading, I think that it will be fire." Everyone stood and said the Pledge of Allegiance to the Flag.

REVIEW OF THE COMMUNITY IMPACT BOARD (CIB) LIST - SIX COUNTY EMERY POLELONEMA

Emery Polelonema and Todd Thorne from Six County Association of Government (SCAOG) presented the commissioners with the 2012 CIB list for Six County and asked for permission to visit with the communities in Millard County to update the CIB Capital Improvements list. They do this on an annual basis to get information directly from the community leaders.

Commissioner Whatcott asked if the changes that Scipio Town Mayor Burtis Quarnberg requested were made. Mr. Polelonema said that Mayor Quarnberg's request was taken care of.

Mr. Polelonema said that once the CIB list has been made the only way changes can be made to the list is if the commissioners approve it.

Mayor Quarnberg will be going after funding that will be available in February 2012 for the project he wanted on the list.

Mr. Polelonema said that the past two trimesters the CIB had a surplus. He learned at the last meeting he attended that the funding has stabilized. Because of this the CIB is being more careful with what is being funded and are scrutinizing all the applications to make sure all the projects are eligible.

With all the economic disasters happening CIB was not impacted, it was "status quo". There are still a lot of resources coming in from the CIB. They are not breaking, but are breaking even.

The CIB list will be finalized by April 1, 2012 for Fiscal Year 2013.

Mr. Polelonema will come back to the commission after visiting with the communities for approval.

Mr. Thorne said that they have organized a Rural Planning Organization (RPO). They will be putting a projects list together of road projects and priorities while visiting with the communities. They will also put some road projects on the transportation process list and will submit that list to UDOT reminding them not to forget about the little communities.

Commissioner Whatcott asked that he be informed when they meet with the communities because he would like to be present, especially in Kanosh.

Mr. Thorne said that they are planning to start meeting with the communities around February 1, 2012, but they are waiting for the confirmation of that date.

Commissioner Smith made a motion to approve the 2013 CIB list as presented and to give permission for Emery Polelonema to go out to the communities and update the CIB list and to look at other projects that may need to be added.

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

DISCUSSION AND POSSIBLE APPROVAL OF AN AMBULANCE ABATEMENT - LINDSAY

MITCHELL

This item was tabled.

PRESENTATION ON WORKER'S COMPENSATION PACKAGES BY UTAH LOCAL GOVERNMENT TRUST - GREG BAUMGARTNER

Greg Baumgartner and Ryan Hatch with Utah Local Governments Trust presented the commissioners with a presentation.

Mr. Baumgartner went over the presentation packet and reported that they have grown to be one of the largest and most successful municipal pools in the country. They have over 500 members and insure somewhere in the mid 90 percentile of government entities in the State of Utah. There are a lot of areas for which they can provide services.

Mr. Baumgartner and Mr. Hatch went over the following points:

- Concept of their pool:
 - Shared Risk, Localized, Leading Technology, Growth and Member Equity
- Member Equity:
 - Performance, Incentives, Trust Tailgates, Excellence in Risk Management Certificate (ERMC), Enhanced Coverage, Dividends, Assistance Grant and Reduced Premiums
- Trust Driven Impact
- Advanced Technology:
 - Member Access Portal, Online Claims Tools & Mobile eCarma (CSS Adjusters Significantly Reduce Incurred Costs), AssetWorks Online and Video Streaming - Online Education
- Partnership:
 - 100% Satisfaction Guarantee, No Captive Members, 99.6% Retention Rate and Long Term Relationships
- Trust Insured Counties:
 - Emery, Wasatch, Carbon, Summit, Uintah, Cache, Grand and Utah
- Premium Summary:
 - Employer Liability Limits \$100K/\$500K/\$100K, No Fault Coverage (No Deductible), Policy Effective Date (1/12/2012)

They offer an ERMC program. They have risk management training and cover various things that will help them and their agencies keep costs low and their employees safe. They have someone from the trust designated specific to each entity. It's like having a risk agent on site. They help

curve the rate system by keeping the rates low and offer safety program incentives which they give back to the entity.

They compete with the commercial agencies and some of the public competitors. They appreciate what their competition does.

They are large enough to share the risk but small enough that they can give special attention to each of their entities. Their risk managers are ARM-P certified (Association and Risk Management with a Public Emphases). They also offer onsite risk assessments.

They do not hold the counties captive. If the counties think that they can find a better deal somewhere else they encourage them to go after it. They are very confident that they will comply with all the needs of the county.

They have received a lot of interest from other counties and they feel that this could be a great resource to Millard County as well.

Their proposal is to offer worker's compensation to Millard County for around \$73,044.00 for 2012.

HOWARD ALLRED TO DISCUSS THE WILD LAND FIRE BUDGET

Marv Turner, Fred Johnson and Howard Allred with the Utah Forestry Fire and State Lands came to the commission to request approval for the 2012 Wild Land Fire Budget for Millard County on private land.

What drives the request is the agreement between Millard County and the State of Utah for wild land fire and suppression cooperation. It also provides financing for the warden position. In 2011 the budget was \$68,490.00. The budget for 2012 is calculated to be \$70,974.00.

As part of the agreement they calculate the direct wild land fire suppression budget. The 2012 budget amount is based on seven years of the calculated cost of fires in Millard County. They throw out the highest and the lowest numbers. The remaining five numbers are averaged and adjusted for inflation using the Consumer Price Index (CPI).

They went over more of the numbers in the handout. There are two levels of participation: If the county goes over its budgeted amount the State will pitch in and cover half of the overage amount. The other participation is the insurance option. If the county exceeds its budgeted amount the State will pick up 100% of the suppression cost for putting the fire out.

In the presented contract, the county has the option of opting out of the insurance or paying additional money to keep the insurance and obtain full coverage. The county has the option of negotiating the program support items as well but all the other items are non negotiable.

They explained what the insurance covers. For example, if the county chooses to keep the insurance and it has a fire year of \$1,000,000.00 the county will pay the \$70,974.00 and the state will pay 100% of the remaining balance of the suppression cost.

If the county opts out of the insurance and has a \$1,000,000.00 fire year, the county will pay the budgeted \$70,974.00 plus half of the remaining balance and the state would pay the other half of the balance.

In either case, if the county's fire cost does not exceed the budgeted amount of \$70,974.00, the county will only have to pay up to that amount. So, if the county has a fire year of only \$8,000.00 the county will only have to pay \$8,000.00.

Commissioner Smith made a motion to approve the 2012 Wild Land Fire Budget between Millard County and the Utah Forestry Fire and State Lands and to participate in the insurance and renew the agreement with the State.

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

DISCUSSION AND POSSIBLE RENEWAL OF THE SURVEY CONTRACT WITH SUNRISE ENGINEERING

Attorney Waddingham said that he went through the contract and found that it is a project based contract. There is a provision that the contract will automatically renew each year unless either party terminates it by giving notice to the other party. At one point the contract was amended to include the clause to get the project finished.

Recorder Hansen said that due to the budget they can only do so much a year so they extend the project each year until it is done. The contract is driven to specific projects and basically terminates after the project is complete.

Recorder Hansen said they are still working on the current project trying to determine the location of corner markers on the east side of the county. The surveyor will not go into Forest Service or BLM land, unless a corner marker cannot be located to correct the survey.

Some private property owners have approached her to see if they could have some corners placed.

No motion is needed because the contract automatically renews as long as there is an ongoing project.

DISCUSSION AND POSSIBLE ADOPTION OF RESOLUTION 11-12-06, A RESOLUTION OF THE MILLARD COUNTY COMMISSION AMENDING SECTION IX OF THE MILLARD COUNTY PERSONNEL POLICIES AND PROCEDURES MANUAL FOR THE PURPOSE OF CREATING A NEW POSITION IN THE RECREATION DEPARTMENT ON THE MILLARD COUNTY STEP AND GRADE SCALE

Commissioner Withers made a motion to table the adoption of resolution 11-12-06, a resolution of the Millard County Commission amending Section IX of the Millard County Personnel Policies and Procedures Manual for the purpose of creating a new position in the recreation department on the Millard County Step and Grade Scale.

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

DISCUSSION REGARDING A POSSIBLE PIT BULL ORDINANCE

Attorney Waddingham said that he has been approached by several people regarding a pit bull ordinance for the county. Both Fillmore and Delta have a pit bull ordinance in place. Fillmore City has a specific section on pit bulls in its code of ordinances.

There have been a few situations in the county where pit bulls have attacked people. One

incident was heard in district court. Fillmore City's ordinance states that the dogs are aggressive by nature and are prohibited.

Attorney Waddingham said that he does not know why the county does not have a pit bull ordinance in place. He wanted to explore the option of the county adopting an ordinance for pit bulls and hybrid dogs.

He read a portion of Fillmore City's ordinance regarding pit bulls and hybrid dogs and the study used to support prohibiting such dogs.

Commissioner Withers made a motion to have Attorney Waddingham look into the option of having a pit bull and hybrid dog ordinance in the county.

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

Dean Draper, Chronicle, said this issue came up in Hinckley Town and they had several people who protested it. They encountered a problem that pit bulls are raised prolifically in the community to fight. There seems to be an unending supply of pit bulls in the county and when someone calls to have one picked up nobody seems to be the owner of the dog.

Commissioner Whatcott suggested including a section prohibiting dog fighting in the possible ordinance.

Hinckley Town went with a vicious dog ordinance vs a pit bull ordinance due to the large amount of people opposing the ordinance because they own pit bulls.

DISCUSSION AND POSSIBLE APPROVAL OF COMMISSION DATES FOR 2012

APPROVAL OF COMMISSION DATES FOR 2011

Millard County Commission Meeting Schedule for the year 2012:

January	3, 17	July	3, 17
February	7, 21	August	7, 21
March	6, 20	September	4, 18
April	3, 17	October	2, 16
May	1, 15	November	6, 20
June	5, 19	December	4, 18

Commissioner Withers made a motion to approve the commission dates for 2012.

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

DISCUSSION AND POSSIBLE APPROVAL OF THE REDISTRICTING MAPS FOR MILLARD COUNTY

Clerk Brunson presented the commissioners with the district maps for Millard County that were prepared by the state and set by the legislature.

Commissioner Smith made a motion to approve the redistricting maps for Millard County. Commissioner Withers SECONDED the motion. The voting was unanimous and the motion carried.

DISCUSSION AND POSSIBLE APPOINTMENT OF CORINNE LEWIS TO SERVE AS A TOURISM COMMITTEE MEMBER

Commissioner Whatcott said that Ms. Lewis and her husband recently moved to Millard County and bought the Fillmore KOA. Ms. Lewis serves on the National ATV Jamboree Committee. She is a very productive person and is a real go getter.

Commissioner Smith made a motion to appoint Corinne Lewis to serve as a Tourism Committee Member.

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

UNEV CONSTRUCTION AND PROGRESS UPDATE VIA EMAIL

Commissioner Whatcott read UNEV's construction and progress update submitted by Cindy Gubler via email. *See attachment.*

PUBLIC INPUT

There was none.

OTHER BUSINESS

Attorney Waddingham presented a list of drainage districts with vacancies that will need to be filled. The notice of vacancies need to be posted and the appointments cannot be made sooner than two months after the notice has been posted. He needs a list put together of people who might be interested in filling the vacancies.

A disclosure statement was presented for Clayton Jeffery.

Attorney Waddingham presented a bill from Sterling Codifiers for updating and publishing ordinances in the Millard County Code in the amount of \$960.00. The bill was given to Auditor Grace for payment.

TREASURER'S REPORT

Treasurer Hansen presented the Property Tax Distribution Collection for the month of November. It shows what will be distributed and what was received prior to closing on November 30, 2011. He said that this report does not include IPP or First Wind's property tax payment because they were not received until after November 30, 2011.

Treasurer Hansen said that most every entity will be receiving a distribution this time because of the amount of money that was received.

Treasurer Hansen received a memo from Denny Lytle regarding a statement of confidentiality for anyone who will be dealing with centrally assessed properties or business properties.

Attorney Waddingham said that this form was referenced in a letter received from UCIP several commission meetings ago. However, until now, nobody had received the form.

Treasurer Hansen said that he contacted IPP and was told that it tried to wire transfer its property taxes, which they said failed. The payment was not received until December 1, 2011. Treasurer Hansen did not assess a late payment on IPP because when its payment was received he was still processing current payments. He said that if the county would like him to assess a fee to IPP he will go back and change that.

The Commissioners all agreed not to assess IPP a late fee.

First Wind's payment was received December 5, 2011 and came in the form of two different checks. Treasurer Hansen asked the commissioners if they would like him to reverse the payment made by First Wind and assess them a late fee.

The Commission decided to have Treasurer Hansen reverse the payment made by First Wind and assess the penalties for being late.

First Wind has appealed its value and one of the checks received was approximately for the same amount as the reduction would be if the appeal is accepted. The amount that is appealed has been discussed and has been agreed on. Almost all of the amount of the second check, if distributed, will have to be refunded. By statute the county can use that money until the appeal is resolved but then would have to collect and refund it. Treasurer Hansen does not recommend that the county use the money knowing that it will need to be refunded. He suggested to put it in a trust account until the appeal is resolved.

Treasurer Hansen discussed the mineral exchange distribution. He said that the old distribution would have distributed \$29,138.27 for the month, but they received a corrective note informing them that the formula was different and the county will now only receive \$20,640.92.

Treasurer Hansen said that Laural Eliason came in after receiving the drainage district letter he sent her regarding the Deseret Fairgrounds. She said that she and her husband were designated as the care takers for the fairgrounds. She said that part of the property has turned into weeds and needs a lot more work done to it. They inquired about selling part of the fairground property.

Commissioner Smith said that Ms. Eliason had asked him the same thing several years ago. He will check with the Records Office to see which name the property is in. If they own the property and there are no restrictions on the deed, they would be able to sell part of it.

DISCUSSION AND POSSIBLE APPROVAL OF ENTERING INTO AN AGREEMENT WITH LARCAN

Auditor Grace reported that she had spoken with Paul Phillips, representing Larcan, as the Commission had requested. The proposed agreement with Larcan would have required Millard County to provide its bank account information to Larcan so they could wire transfer funds into the account, which would then be used to buy equipment from them. Larcan would then submit the necessary paperwork to NTIA for reimbursement through grant funding.

The agreement also included a right of return clause in case federal funding did not come through. Mr. Phillips confirmed that if the county chooses not to use the option of having Larcan front the money, everything would stay "as is". Larcan would still complete the necessary grant documents, and the county would still have the right of return.

The cost for the equipment is \$120,382.00. The Commission agreed that Millard County should make the purchase with county funds. If the federal grant funding does not come through the county will have the option of returning the equipment as long as the equipment has not been opened and installed.

Auditor Grace will notify Dee Hollingshead that he can move forward with the project and that the county will not be having Larcan front the money.

APPROVAL OF NOVEMBER 15, 2011 COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held November 15, 2011 were presented for consideration and approval. Commissioner Withers made a motion to approve the minutes of November 15, 2011, as presented.

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

AUDITOR'S REPORT

Auditor Grace received a contract from GBS during open enrollment that needs to be put on the agenda for approval. She gave Attorney Waddingham the contract to review.

Auditor Grace said that she and the commissioners had discussed getting a proposal from Larsen and Rosenberger to continue with the County's independent audit for the next three years.

Larsen and Rosenberger submitted a proposal for 2011 in the amount of \$21,300.00; for 2012, \$21,800.00; and for 2013, \$22,300.00. In the event of a single audit requirement it would cost \$3,000.00.

Commissioner Withers made a motion to approve the proposal from Larsen and Rosenberger for the next three years.

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

Auditor Grace presented an invoice for inserts from The Chronicle Progress in the amount of \$522.00 which was approved.

POSSIBLE APPROVAL OF HARDSHIP ABATEMENT APPLICATIONS

There was none.

POSSIBLE BOARD OF EQUALIZATION (BOE) DISCUSSION AND OR ACTION

There was none.

OTHER

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

Commissioner Withers 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.

Present in the closed session were: Commissioners Daron Smith, Bart Whatcott and James Withers, and County Attorney Richard Waddingham, County Clerk Norma Brunson and Deputy County Clerk/Commission Secretary Marki Rowley.

After the closed executive session the regular meeting reconvened at 12:36 p.m..

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 12:38 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 1:50 p.m..

OTHER BUSINESS CONTINUED

Commissioner Whatcott read a letter from the Great Basin National Heritage Area Partnership recommending the appointment of Judy Huntsman to serve as a director representing Millard County and reaffirming the appointments of Denys Koyle, Kyla Overson and Jane Beckwith to continue to serve as Millard County representatives to the board of directors.

Commissioner Smith made a motion to approve all of the people listed to serve as stated in the letter.

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

Commissioner Whatcott read a letter from Hinckley Town terminating its agreement with

Millard County for building inspection services effective February 13, 2012.

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

Commissioner Smith attended the UCIP Annual Members meeting on Thursday, December 1, 2011. He received a copy of the UCIP financial statement and gave it to Auditor Grace for review. He was nominated to be on the board of trustees but was unsuccessful.

All three Commissioners attended the open enrollment session on Friday, December 2, 2011 and Monday, December 5, 2011.

Commissioner Withers attended a soil conservation meeting. Brandon Anderson was elected as a new board member. The board expressed its appreciation to the county.

Commissioner Whatcott attended the UAC conference in St. George, Utah.

Commissioner Whatcott attended a recreation meeting.

Commissioner Whatcott has been working with the ambulance building paperwork. There is a lot of interviewing and building construction involved.

Things are going well. The frame work is complete. They are just waiting now for the engineer to finish his work.

The Commissioners have had meetings on the RS2477 road issues in Fillmore and in Delta.

Commissioner Whatcott met with Bruce Costa who is head of the public health for Six County.

Commissioner Whatcott will be taking over as chairman of the Six County Public Health Board, beginning January 1, 2012.

Auditor Grace was voted the second vice president for UAC.

POSSIBLE REVIEW OF COUNTY POLICIES AND CONTRACTS

There was none.

WHERE UPON THE MEETING ADJOURNED

Commissioner Withers made a motion to adjourn the meeting.

Commissioner Smith SECONDED the motion. The voting was unanimous and the meeting adjourned at 1:59 p.m..

Attest: _____

Approved: _____