

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 15th DAY OF MAY 2012
AT THE COURTHOUSE, FILLMORE, UTAH

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

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

ALSO PRESENT: Lindsay Mitchell. Sheriff's Office
Timothy M. Arnold, Patricia & Stewart Vaughn..... Citizens
Cindy Gubler. UNEV
Connie Hansen..... County Recorder
Del Barnhurst USDA Forest Service
Brandy Grace County Auditor
John Hansen County Treasurer

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, Utah, 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 Withers to the public and Commission members.

OPENING STATEMENTS

Commissioner Withers asked if anyone had an opening statement to give. Commissioner Whatcott repeated a quote he heard at the UAC Management Conference: "Go slow, think things through, there are very few real emergencies, and above all listen to your attorney". Commissioner Smith said the invocation. Everyone stood and said the Pledge of Allegiance to the Flag.

APPROVAL OF MAY 1, 2012 COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held May 1, 2012 were presented for consideration and approval. Following review and consideration of minor corrections, Commissioner Smith made a motion to approve the minutes of May 1, 2012, as corrected.

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

DISCLOSURE STATEMENTS

A disclosure statement was submitted from Dale Josse.

REQUEST FOR COMMISSION WAIVER - WEST MILLARD RODEO CLUB - AUSTIN DAY

Commissioner Smith made a motion to waive 50% of the fees for the use of the Millard County indoor and outdoor arena for the High School West Millard Rodeo Club.

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

TREASURER'S REPORT

Treasurer Hansen said that he received a Notice of Trustee's Final Report on the Davis Freight bankruptcy. He gave it to Attorney Waddingham for review.

Treasurer Hansen presented the financial report for the month of April. The report shows the respective balances the county has in each fund.

Treasurer Hansen said that he has not received any funds, so far, from Mani Grewal on his property in Scipio per the agreement made in commission meeting April 17, 2012.

OTHER

AUDITOR'S REPORT

Auditor Grace said that she has not heard anything back from the Jr. Livestock Show regarding receipts for reimbursement. Commissioner Withers said that he informed the Jr. Livestock Show committee members that the county did not budget any money for them this year, but if they provide receipts the county will reimburse them up to \$8,000.00.

Auditor Grace and the commissioners discussed JSSS Inc.'s property as well as Joyce Watson Roberts' property. Auditor Grace said that both property owners have paid more than half of their delinquent property taxes leaving a remaining balance of \$150.00 each. The remaining balance owed on both accounts is from acquired fees and the county cannot waive filing fees, but can waive a portion of property taxes, based on certain circumstances.

Treasurer Hansen, Auditor Grace and the commission discussed the process that the auditor and the treasurer's office go through by informing the property owner of the fees and what is owed for property taxes.

Attorney Waddingham said that the commission can sell property based on delinquent

property taxes but not for fees. Payments are first applied to penalty, interest and costs and are then applied to property taxes.

Attorney Waddingham suggested to send notice to these property owners informing them of the outstanding balance still owed on their property taxes.

Auditor Grace said that she will leave these properties on the tax sale list until the day of the tax sale then the commission would need to make a decision at that time.

Commissioner Smith made a motion to appoint Commissioner Whatcott to represent the county on the day of the tax sale if the other commissioners are unavailable.

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

Auditor Grace said that Melinda Long had three parcels listed on the tax sale list. Ms. Long called and spoke with Auditor Grace and informed her of her situation. The combined balance owed on the properties was \$2,658.00. She made a \$1,000.00 payment and committed to pay another \$300.00 by the time of the sale and she would try to make \$275.00 monthly payments until it is paid off. When the \$1,000.00 payment was received, the Treasurer's Office applied the entire amount to one parcel to pay it off.

Treasurer Hansen said that previously it was discussed that if someone is willing to pay half of their delinquent property taxes and would commit to pay the balance before the tax sale the county would remove the property from the tax sale list.

Commissioner Withers suggested that this process continue and if it needs to be changed it should be changed before the next tax sale.

Treasurer Hansen said that they are comfortable with continuing this practice. Auditor Grace said that she feels like Ms. Long has made a lot of effort to bring those parcels current, so Auditor Grace committed to her that her parcels will be taken off the tax sale.

Treasurer Hansen discussed a property wherein both the owners have died. The heirs of the property have been fighting over the property and who is supposed to pay the property taxes. They are trying to come up with half of the property taxes and have asked that the property be removed from the tax sale so they could have time to sell it. The balance owed on the property is \$3,400.00. This property will remain on the tax sale unless they can pay half of the balance and bring the property taxes current before the next tax sale.

Treasurer Hansen discussed Terry Smith's property. Auditor Grace said that she talked to Mr. Smith and he told her that he paid \$700.00 and would pay \$200.00 by May 3, 2012 and then would make \$170.00 monthly payments until the balance is paid in full.

Mr. Smith has not paid the \$200.00 that he agreed to pay, he informed Auditor Grace that he was in an accident and has not been able to make it to the Delta Office to make the \$200.00 payment but he will pay it today or tomorrow.

Treasurer Hansen said that Todd Tolley has paid more than half of his property taxes and suggested that his property be removed from the tax sale list

Auditor Grace reported that she watched a web demo provided by Easy Tickets and she liked what she saw. She said that she requested that they send the county some sample contracts. There are two contracts; one having the county provide its own merchant service and the other where Easy Tickets provide the merchant service.

Both agreements are for 36 months, but there is a clause that states that if the county is unsatisfied it may terminate the contract at anytime.

Auditor Grace will get a copy of the contracts to Attorney Waddingham for review. If the county chooses this company it will take seven days to get the county up and running.

POSSIBLE APPROVAL OF HARDSHIP ABATEMENT APPLICATIONS

There was none.

POSSIBLE BOARD OF EQUALIZATION (BOE) DISCUSSION AND OR ACTION

There was none.

DISCUSSION AND POSSIBLE APPROVAL OF AMBULANCE ABATEMENTS -LINDSAY MITCHELL

Lindsay Mitchell presented an ambulance abatement application from Kalin Denev. The commission abated 40% of his ambulance bill back in July of 2010. The remaining balance of the ambulance bill is \$444.49.

Mr. Denev made monthly payments when he could. Now he is no longer employed and he is scheduled to have another surgery, and he does not feel like he can pay the remaining balance of this bill.

Commissioner Smith made a motion to abate the remaining balance of Mr. Denev's ambulance bill based on his inability to pay.

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

Lindsay Mitchell presented an ambulance abatement application from Ellen Stevens. Ms. Stevens was transferred to Utah Valley resulting in an ambulance bill in the amount of \$4,146.90. Ms. Stevens is currently employed part-time by Fillmore Community Medical Center and Millard County Credit Union. Her annual income is \$13,800.00. Her total debt including the ambulance bill is \$7,853.57.

Ms. Mitchell said that this ambulance bill is fairly new and she is wondering if there will be more medical bills coming in to add to Ms. Stevens total debt.

Commissioner Whatcott made a motion to have Ms. Mitchell contact Ms. Stevens to see what the rest of her billings are going to be for medical expenses so that the commission could make a better decision as to what amount they would abate.

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

carried.

REVIEW AND POSSIBLE APPROVAL OF A NON PLAT SUBDIVISION FOR THE PURPOSE OF BUILDING A SINGLE FAMILY DWELLING LOCATED AT APPROXIMATELY 6530 N 1650 E, HOLDEN, UTAH AND MORE PARTICULARLY DESCRIBED AS THE EAST 150 FEET OF THE FOLLOWING DESCRIPTION: BEG 6.80 CHS N SE COR NE 1/4 SEC 3, T20S, R4W, SLM, W8 CHS, N 5.40 CHS, E 10 CHS, S 5.40 CHS, W 2 CHS TO BEG. (BEING PARCEL 6401). - DEBRA A. ARNOLD, APPLICANT, APPLICATION #Z-2012-007

Commissioner Smith said that the Planning and Zoning forwarded a favorable recommendation.

Commissioner Smith made a motion to approve the non plat subdivision for the purpose of building a single family dwelling located at approximately 6530 N 1650 E, Holden, Utah Application #Z-2012-007, Applicant Debra A. Arnold.

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

Timothy Arnold expressed his appreciation to Sheryl Dekker, County Planner, for all the work she put forth on this process.

BID OPENING FOR RESURFACING THE PARKING LOTS FOR THE PUBLIC SAFETY COMPLEX

Attorney Waddingham opened the only bid which was submitted by Staker Parson in the amount of \$63,950.00. A note was submitted with the bid, (the price quote is estimated quantity to be verified by owner, billing will be based on actual quantity upon completion per unit price). Attorney Waddingham asked if Klint Penney, East Millard Recreation Supervisor, would get hold of the company and have them contact Commissioner Withers and explain the note.

Commissioner Smith made a motion to accept the bid and to table the awarding of the bid until further explanation could be received regarding the note.

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

PRESENTATION OF THE GOLF COURSE PLAN

Commissioner Smith said that there has been some issues with the greens on the golf course. They had a meeting to discuss this issue. They discussed some options as to what they can do to resolve this issue and replace the grass. He will report again when he gets more information from Todd Mullen, Golf Pro.

They are trying to come up with a better plan to increase revenue on the golf course.

REVIEW OF THE ROAD CONDITION REPORT FOR UNEV PETROLEUM PIPELINE AND

DISCUSSION AND POSSIBLE APPROVAL OF UNEV'S COMPLIANCE WITH THE ROAD MAINTENANCE AGREEMENT WITH MILLARD COUNTY

Cindy Gubler, UNEV, provided an update on UNEV's progress. *See attachment #1.*

Ms. Gubler discussed the road maintenance agreement. She stated that UNEV has complied with the road maintenance agreement as evidenced by a letter she received from the Millard County Road Supervisor, Thayne Henrie. However, the BLM is requiring that UNEV place additional gravel on the MC09 road. Attorney Waddingham said that given the issues involving maintenance and eventual reclamation, the roads will continue to be used. He advised the Commission to accept UNEV's compliance with specific conditions but to leave the road maintenance agreement in force.

Commissioner Whatcott made a motion to accept the report from UNEV and the letter from Thayne Henrie, Road Supervisor, stating that UNEV has completed the road maintenance agreement, pending the completion of the requirement by the BLM to put gravel on the MC09 road and then to leave the agreement open and in effect.

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

Commissioner Withers said that he went to Cedar City, Utah and drove down the road that UNEV's project is located on and he could hardly tell the pipeline was even there. He also said that he appreciated UNEV taking care of the few issues that came up.

OTHER BUSINESS

Assessor Manis said that a few weeks ago he met with the recorder, the treasurer and the auditor and discovered a few parcels of State owned ground was being farmed. He called Lou Brown in Richfield, Utah who handles the trust lands over there. Mr. Brown informed him that these properties have been leased out and farmed for many years.

Assessor Manis said that the county should have been aware of this but without the former assessor administering the GIS this was missed.

Mr. Brown told Assessor Manis that they do not notify the counties of property that is being leased. Assessor Manis said that they entered those parcels using a code that will ensure that these leased properties will be taxed this year.

He said that the law allows the county to go back five years on escaped properties, however, it is Millard County's policy to only go back three years on escaped properties.

Assessor Manis called the State Tax Commission and talked to Gerald Osborn who informed him that property taxes are not a part of SITLA's agreements but that it is the property owner's responsibility to pay the privilege tax.

Assessor Mainis spoke to Senator Okerlund who is pushing to have the state notify the counties of leased property.

Assessor Manis said that there is going to be a shift in taxes this year. Fillmore residential land will roll back 25% and improvements in Fillmore, Kanosh and Scipio will roll back 10%, due to the amount of foreclosures. This will be offset in the Delta area, specifically in Delta City which

was low and will be rolled up 5%.

Assessor Manis said that his centrally assessed preliminary showed \$1,166,000,000.00 which is up by \$200,000,000.00 to \$300,000,000.00 from last year.

Commissioner Whatcott attended a Six County meeting where they discussed House Bill 148 and the county taking back the public lands. He presented a map to the commission which shows land that is under federal control.

Commissioner Whatcott presented bids for a monitor to be placed in the commission chambers. He said that the county policy requires three bids to be obtained so he got three bids and presented the commission with the lowest bid which was received from TV Specialists. He said that he would like to proceed with this.

Commissioner Whatcott talked to Auditor Grace regarding capital improvements. He said that the sheriff's office is also wanting to put a monitor in the squad room. Commissioner Whatcott said that there will be an installation charge and he will find out what that will be.

Commissioner Whatcott said that the North Park in Fillmore is wanting to get a small monitor for advertising, which will be paid for with tourism funding.

Commissioner Whatcott made reference to Bruce Costa talking to the commission about proceeding with the public health building in Delta. Mr. Costa had spoken to Jim Beckstrand with IHC regarding renting some space but now he was wondering if the space was going to be big enough. Mr. Costa is going to go look at it and he will report back to Commissioner Whatcott.

The commission discussed the cost of building a new public health building in Fillmore. Commissioner Whatcott will contact Mr. Costa regarding the cost of the building and report back to the commission.

Commissioner Whatcott said that Mark Cram, Siemens Industry, contacted him several times regarding the county going forward with the energy efficiency project. The Commission decided to write Mr. Cram a letter informing him that the commission does not feel like the investment capital required up front would be feasible for the county at this point in time.

Clerk Brunson discussed with the commission the possibility of by mail ballots for the general election due to recent legislation regarding by mail voting. No decision was made at this time.

Commissioner Whatcott presented a grant contract for spraying noxious weeds to the commission for approval.

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

Commissioner Smith attended a long term health care center board meeting. He said that the county attorney is helping them proceed forward in trying to improve the parking lot.

The care center's numbers are down from 51% to 45% from last year. Their budget, expense

and revenue is where they projected because they have had more medicare patients admitted, but they are concerned with the decline.

The employee turnover for the care center is only 14% which is very good. They think that the employees feel vested due to an incentive program that Traditions offers at the end of the year.

Traditions is concerned about state retirement rates going up to 13% which they would have to contribute.

There will be a barbeque at the care center on June 21, 2012, as a thank you to the public.

Commissioner Whatcott attended a Fillmore City Council meeting to update them on county happenings and to solicit money to support the National ATV Jamboree.

Commissioner Whatcott participated in a Six County Association of Governments meeting in Richfield, Utah.

Commissioner Whatcott attended a recreation meeting regarding soccer fields.

Commissioner Whatcott attended the public hearing in Juab County in regards to the boundary line adjustment between Millard and Juab Counties.

Commissioner Whatcott attended the Governor's Public Safety Summit for two days in Layton, Utah.

Commissioner Withers and Commissioner Smith have been dealing with the golf course issue which was reported on earlier.

Commissioner Withers met with the Days of the Old West Rodeo Committee and the Jr. Livestock Show Board. They are trying to finalize all the plans for the two events scheduled in June. They are going to have a carnival this year to help boost the attendance at the rodeo.

PUBLIC INPUT

There was none.

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 12:14 p.m..

NOON LUNCH BREAK

Commissioner Smith made a motion to reconvene the meeting.

Commissioner Withers stepped from the chair and **SECONDED** the motion. The voting was unanimous and the motion carried. The meeting reconvened at 1:33 p.m..

Commissioner Whatcott was excused for the last part of the meeting to attend the Western Interstate Resources Conference in Santa Fe, New Mexico.

POSSIBLE REVIEW OF COUNTY POLICIES AND CONTRACTS

The commission discussed the process of GRAMA requests. It was decided that on routine matters each office should reply to requests made to that office and to then file all GRAMA requests and answers in the Clerk's Office.

Auditor Grace said that she thinks that some training would benefit the county when it comes to a GRAMA request. Attorney Waddingham said that the county is required to have training.

They also discussed the statute of how long an administrative record should be kept. Attorney Waddingham will look into the retention issue.

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

There was none.

PUBLIC HEARING FOR THE PURPOSE OF RECEIVING PUBLIC INPUT CONCERNING PROPOSED COUNTY BOUNDARY LINE ADJUSTMENTS BETWEEN JUAB AND MILLARD COUNTIES

Commissioner Smith made a motion to enter into a public hearing for the purpose of receiving public input concerning proposed county boundary line adjustments between Juab and Millard Counties.

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

Present were: Recorder Connie Hansen, Del Barnhurst, Patricia Vaughn and Stewart Vaughn.

Commissioner Withers called the public hearing to order at 2:00 p.m..

Recorder Hansen presented a map which shows the proposed changes made to the boundary lines. She explained that there were some issues concerning the boundary changes. She said that there was one property owner whose property was thought to be located in Millard County but after the boundary change it was clear that the property was located in Juab County and not in Millard County.

Recorder Hansen said that this boundary change will mostly affect Forest Service land.

Mr. Vaghn said that this boundary change may make it a little harder for those who want to build a fence. Attorney Waddingham explained that any fence built would be built on the property line not the ridge line which is the current boundary.

Recorder Hansen said that the county is not going to change any property lines only the county boundary lines.

Mr. Vaughn said that he does not have any opposition to the boundary changes.

Commissioner Withers presented a letter received from Larry A. Peterson which was neither for nor against the proposed boundary adjustment. *See attachment #2.*

There were no other comments made.

Commissioner Smith made a motion to go out of the public hearing.

Commissioner Withers stepped from the chair and SECONDED the motion. The voting was unanimous and the motion carried. The public hearing closed at 2:07 p.m..

The regular meeting reconvened.

Attorney Waddingham said that he has been in contact with the Juab County Attorney. Juab County held its public hearing on May 7, 2012. The Juab County Commission left the public comment period open for a couple of weeks. Attorney Waddingham said that Millard County can leave the public comment period open for a period of time. Thereafter, both counties can adopt a joint resolution.

Commissioner Smith made a motion to accept public comment on the matter of the proposed boundary changes between Millard County and Juab County until May 31, 2012 at 5:00 p.m..

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

This matter will be placed on the June 5, 2012 agenda to consider a joint resolution.

WHERE UPON THE MEETING ADJOURNED

Commissioner Smith made a motion to adjourn the meeting.

Commissioner Withers stepped from the chair and SECONDED the motion. The voting was unanimous and the meeting adjourned at 2:14 p.m..

WORK MEETING WITH BLM AT THE FILLMORE FIELD OFFICE

The Commissioners attended a work meeting with the BLM at the Fillmore Field Office.

Attest: _____

Approved: _____