

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 5th DAY OF JUNE 2012
AT THE COURTHOUSE, FILLMORE, UTAH

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

Norma Brunson County Clerk
Marki Rowley. Deputy County Clerk

EXCUSED: Richard Waddingham County Attorney

ALSO PRESENT: Ryan Hatch & Greg Baumgartner. Utah Local Governments Trust
Mark McDougal Triple C Farms
John Hansen County Treasurer
Brandy Grace County Auditor
Pat Manis County Assessor
Connie Hansen County Recorder
Brandon Bartholomew Contractor
Clay Davis, Marlene Bates, Jerald Bates & Camille Allred Citizens
Klint Penney..... Maintenance
Margene Stevens and Susan Wilcox Assessor's Office

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 recited a quote from the Bible - Romans 12:21: "The government that governs the best, governs least". Commissioner Smith said the invocation. Everyone stood and said the Pledge of Allegiance to the Flag.

APPROVAL OF MAY 15, 2012 COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held May 15, 2012 were presented for consideration and approval. Following review and consideration of minor corrections, Commissioner Whatcott made a motion to approve the minutes of May 15, 2012, as corrected.

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

AUDITOR'S REPORT

Auditor Grace presented an invoice received from Chadwich Boothe & Company for the County Seat Program in the amount of \$9,945.39.

Auditor Grace received a document that identifies what the county rates will be for the coming year effective July 1, 2012 from the Utah Retirement Systems. It needs to be completed and returned by June 22, 2012. The commission discussed the increase in rates, public safety increased from 27.07% to 30.45% and non-contributory increased from 13.77% to 16.04.

The 401K rate is currently at 11.68%. The commission opted not to increase the 401K rate last year so it has not been increased for a couple of years.

The commission asked if Auditor Grace would come up with some scenarios of decreasing the rate, staying the same and increasing the rate. Auditor Grace will also go through the history of the 401K and will report at the next commission meeting.

Auditor Grace received a payment from Tooele County for its Snake Valley Water contribution in the amount of \$7,000.00.

There is \$25,000.00 currently in Millard County's expense line item account. Commissioner Smith suggested the county use the \$25,000.00 to pay for Millard County's contribution to complete the Snake Valley Water study.

Commissioner Whatcott said that he talked to Salt Lake County Mayor Carroon who indicated to him that they will cut a check for \$7,000.00 for its Snake Valley Water contribution the first of July.

Commissioner Whatcott will call David Susong, USGS, and request an invoice so that the county can make the payment for the completion of the study.

POSSIBLE APPROVAL OF HARDSHIP ABATEMENT APPLICATIONS

There was 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 10:19 a.m..

Auditor Grace said that she received an application for review of market value from Triple

C Farms, which is a personal property appeal.

Mark McDougal, Triple C Farms, gave a description of what his company does. He went over the code which lists exemptions and what qualifies for exemption. He said that he feels that Triple C Farms' hay press machine should be included in the agriculture exemption. He said that his company uses the hay press machine to compress the hay bales for international shipping.

Assessor Manis informed the commissioners that Triple C Farms has already paid its personal property taxes.

After more discussion regarding this issue the commission said that they would like to take some time to review this information and will get back to Mr. McDougal.

Commissioner Smith made a motion to review this issue further and to make a decision by Friday, June 8, 2012. The commission will provide written notice to Triple C Farms of its decision.

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

Commissioner Whatcott made a motion to close the BOE.

Commissioner Smith **SECONDED** the motion. The voting was unanimous and the motion carried. The BOE ended at 10:55 a.m..

DISCUSSION AND POSSIBLE APPROVAL OF THE 2012 TAX SALE

Auditor Grace said that the report shows that there were 5 parcels that were listed on the sale; of those listed one went back to the county. The report also shows the tax obligation, other expenses, the total amount of each bid and who each parcel went to.

Commissioner Whatcott made a motion to approve the 2012 Tax Sale.

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

TREASURER'S REPORT

Treasurer Hansen presented the checks for those participating with the Days of the Old West Rodeo.

Treasurer Hansen presented the month end report on county finances for the month of May. He said that the report is listed by funds and by balance. The Auditor and Treasurer's Office are in balance. He said there is one item that is different. The accounts payable checks received today were dated May 31 but the report was run prior to these checks being included in the May report. He quickly ran new totals today. The totals did change a little bit but the balancing and the reconciliation are the same. As of the end of May, the Treasurer and Auditor agree on their balances on category as well as what is in the bank.

Treasurer Hansen presented the report of the collections on tax revenue and the distribution

for the month of May. The distribution shows who received money from the collections for the month. Those entities who received money in May are those who request it monthly. The other entities request payment quarterly which will be distributed in July.

Treasurer Hansen presented the override report from Jan 1, 2012 to May 16, 2012 which shows the assessed taxes, penalties and interest that have not been collected in the collection process. He explained the accounts that have been specifically approved by the county. The grand total of the amount of money that has been overridden by the Treasurer's Office or the Assessor's Office in the collection of personal property taxes or real property taxes was \$1,595.73, of which \$1,508.28 had been approved by the commission at some point.

Treasurer Hansen reported that as of today his office has not received any money from Mani Grewal per the agreement made between him and the commission. Mr. Grewal called and informed Treasurer Hansen that he would be mailing a check today for the amount agreed to be paid at the end of May. Treasurer Hansen agreed to still honor that payment.

OTHER

DISCUSSION AND POSSIBLE ADOPTION OF RESOLUTION 12-06-05, A JOINT RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MILLARD COUNTY, UTAH AND JUAB COUNTY, UTAH APPROVING A BOUNDARY ADJUSTMENT BETWEEN THE TWO COUNTIES AND ADOPTING FINAL LOCAL ENTITY PLATS

Recorder Hansen presented the commission with the maps and the resolution. She said that it all will be signed and sent to the State.

Commissioner Smith made a motion to adopt Resolution 06-04-2012 (Juab County), and Resolution 12-06-05 (Millard County), a joint resolution of the Board of County Commissioners of Millard County, Utah and Juab County, Utah approving a boundary adjustment between the two counties and adopting final local entity plats.

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

OPENING OF SEALED BIDS FOR IMPROVEMENTS AT THE FILLMORE EQUESTRIAN RACETRACK

Commissioner Whatcott said that the county wanted to redo the racetrack since it is pretty much falling apart and needs to be updated. There were some issues with the electrical last year which caused fire hazards.

They went through the budget process and found that they would not be able to fix everything needing to be fixed, so it was decided to do some concrete work and to update the electrical system.

Auditor Grace opened the following bids:

Bids for Concrete:

- MSMN \$12,562.50
- Mountain Road Construction \$15,550.93
- Natural Impressions \$10,768.00

Bids for Electrical:

- Hollingshead Electric \$1,870.00
- Enterprise Electric \$2,999.00

Commissioner Whatcott made a motion to accept the bids and to review those bids to make sure that all the criteria was met and will award the bid by Friday, June 8, 2012.

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

PRESENTATION ON INSURANCE AND RISK MANAGEMENT SERVICES BY UTAH LOCAL GOVERNMENTS TRUST - GREG BAUMGARTNER

Greg Baumgartner and Ryan Hatch with Utah Local Governments Trust presented the commissioners with a presentation and went over the following points:

- Concept of their pool
- Shared Risk, Localized, Risk Management, What is Offered, Membership Growth and Member Equity
- Trust Member Equity, Property Appraisals, Dividends, Assistance Grant, Reduced Premiums, Enhanced Coverage, and Excellence in Risk Management Certificate (ERMC)
- Governmental Immunity
- Trust insured at \$5,000,000.00. They currently have 114 members insured above \$2,000,000.00.
- Land Use. They gave examples of the Trust's top 3 most expensive claims and how those were taken care of.
- Coverage Limits, Dividends & Grants, Trust County Members.
- Partnership, 100% Satisfaction Guarantee, No Captive Members, 99.6% Retention Rate and Three Year Rate Guarantee

Mr. Baumgartner will get the county a letter to present to the county's current insurance carrier informing them that it would be interested in a quote from them and other companies. Mr. Baumgartner will then provide the county with a quote from Utah Local Governments Trust.

Commissioner Whatcott made a motion to proceed with a letter to look at insurance options. Commissioner Smith SECONDED the motion. The voting was unanimous and the motion carried.

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 11:50 a.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 1:41 p.m..

DISCUSSION REGARDING ROAD CONDITIONS IN GANDY, UTAH

Marlene Bates, Jerald Bates and Camille Allred came to discuss the condition of the roads in Gandy, Utah. They informed the commissioners that the roads are so torn up that they are ruining their cars. They gave examples of what the road damage has done to their vehicles.

They said that they were told that the county would put mag chloride on the roads every year, but it has not been done for a couple years now.

Commissioner Smith explained that the county had to go from putting mag chloride on the roads every year to every two or three years due to the expense.

The Bates said that the mag chloride that was on the roads has broken up in chunks and there are holes all over the roads. The last time the road was bladed only the main road was done which left big windrows where the side roads meet the main road.

The Bates basically asked the commissioners to do something better with the roads that Gandy residents use every day.

The commission will look into this issue to see what they can do and will get back to the Bates as soon as they can.

PUBLIC INPUT

There was none.

OTHER BUSINESS

Commissioner Whatcott presented a letter received from the BLM.

Commissioner Whatcott said that he has been working on the purchasing policy and he would like the other two commissioners to go through what he has done so far.

Commissioner Whatcott presented a letter he received informing the county that there is going to be a timber harvest of the burnt standing timber for 1,270 acres of the 44,000 acres burnt last year due to the Twitchell Fire.

Commissioner Whatcott reported that the Wilderness Society will be sponsoring him to go to Washington D.C.. He will be supporting Senate Bill # 1775, the Public Land Renewable Energy Development Act of 2011. Currently, while many development activities on public lands provide revenue sharing with state and county governments, no such system has been developed for

alternative energy production (solar/wind). Specifically, the bill would establish a revenue distribution formula for wind and solar development on public lands where 25% of the rental and royalty income would go to the county where the development occurred.

Commissioner Smith spoke with Tanya Stephenson, Miss Millard Director, who had some ideas of doing the Miss Millard Pageant a little different this year. She has some ladies who are willing to help her. She wanted to change the date of the Miss Millard Pageant to the end of July or the first of August instead of holding it in June. She feels that they will get more participation and it would give Miss Millard time to get ready for Miss Utah at the end of her term instead of the beginning of her term.

Commissioner Smith said that at a past commission meeting a motion was made to cancel the Miss Millard Pageant this year, but after talking to Ms. Stephenson he feels that if they get it on a different cycle they could still pull off a good pageant this year.

Commissioner Smith discussed the options on which to determine the amount available for the Miss Millard scholarship. Commissioner Smith will look into a few names given to him from the current pageant director and get back to the commission.

Commissioner Smith said that the county needs to pay the current Miss Millard her scholarship.

Commissioner Withers received a letter from Dave Pace, Conservation Districts, thanking the commissioners for their support in sending a letter to Commissioner Leonard Blackham regarding the conservation districts.

Commissioner Withers read a letter received from Delta City Mayor Bunker regarding the Sherwood Shores Subdivision. The letter informed the County that a Special Service District would need to be created in order to receive the already approved funding to fix the water issue. The letter asked if the County would be willing to support a special service district for Sherwood Shores.

The commissioners will adopt a resolution supporting the special service district for Sherwood Shores at the next commission meeting.

Commissioner Withers will inform the Delta City Mayor of this decision.

Commissioner Withers received a revised bid from Staker Parsons who submitted the only bid for resurfacing the public safety complex parking lots. They amended the bid by changing it from an open ended bid.

It was discussed at the last meeting if Thayne Henrie, Road Supervisor, could do the job and save the county money. Commissioner Withers spoke to Mr. Henrie who informed him that he would not be able to do all the requirements that Staker Parsons could do and he would not save the county very much. The commission decided that it would be more beneficial for the county to have Staker Parsons do the work.

Clerk Brunson asked that they work around the District Court schedule during this project.

Commissioner Whatcott made a motion to accept the amended bid from Staker Parsons in the amount of \$63,950.00 and to move forward with the project.

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

Commissioner Withers reported that the Millard County Stock Show was successful. They are looking at purchasing a few more panels, so they may be looking at some funding for that.

There will be a rodeo coming up this week.

Commissioner Withers reported that he was contacted by Superintendent Styler who asked if the county would be willing to defer a portion or all of the fee for the landfill as they tear down the high school in Delta. The commission will discuss this issue with County Planner Sheryl Dekker and will follow up with Superintendent Styler.

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

All three commissioners had a conference call with Commissioner Blackham regarding the predator voucher program. As of July 1, 2012 the Department of Natural Resources will be taking over that program and are changing some things. They will be offering a \$50.00 voucher for coyotes, but will require the entire coyote for payment. More information will come later.

The County will still pay the \$20.00 vouchers until July 1, 2012. The County could still participate in the fox bounty but the State will not reimburse for that.

There have been a number of great events at the fair facility in Delta since the first of the year including a high school rodeo, a high school derby, a rock crawl, barrel racing, two cutting events, a stock show and a bull riding training. The fair is coming up soon, as well as a number of smaller events.

Every other week there is a race on the oval track in Delta. There have been three or four local drivers who have participated.

Some issues have come up at each event but they worked through those issues as they came up.

All three commissioners attended the Western Interstate Region (WIR) conference in Santa Fe, New Mexico. Commissioner Smith serves on the WIR Board. He said that one of the focuses at that conference was on how the western United States can gain more control of public land.

Commissioner Smith met with Senator Lee, some business owners and the mayors. Linda Gillmore, Economic Development Director, did a great job on inviting people to attend the event.

Commissioner Whatcott attended a Public Lands meeting at the WIR Conference in Santa Fe, New Mexico.

Commissioner Whatcott attended a meeting with the Millard County School District regarding the construction of the new Delta High School.

Commissioner Whatcott worked with Economic Development Director, Linda Gilmore, on hosting a visit from Senator Lee. They held three meetings: the first was with businessmen from around the county; the second was with the city mayors; the third was a luncheon sponsored by Senator Lee and his staff, which was held at the American Legion building.

Commissioner Whatcott attended the final preparation meeting for the National ATV Jamboree. So far this year there are 220 registered riders which is an increase from last year's registrations.

Commissioner Withers said that he appreciates all the hard work the county employees do to make this a nice county to be in.

Commissioner Withers represented the county while attending the ground breaking of the Delta High School on Thursday night.

Commissioner Whatcott asked if the commission participates in the Rural Water Association of Utah. He said that he could attend the training for free because he has his water users license. He said that he would like to attend the most current training.

Commissioner Smith attended the ceremony at the Sutherland Cemetery on Memorial Day. He complimented the American Legion for the ceremony, the spirit, and the reverence in which they conducted the service. He said that he appreciates all those involved with the ceremony and those who are involved in making the cemetery look nice.

Commissioner Whatcott said that the American Legion recognized that the Indian Reservation in Kanosh did not have an official flag pole. The State Legion Commander Wayne Jackson and a few other Legion members went to several businesses to see if they would be willing to help. Colonial Flag, Salt Lake, donated half the cost of a flagpole and Graymont Lime, Delta, donated the other half. Carling & Co., Fillmore, donated the cement and the backhoe. The American Legion then had a Flagpole Commemoration Day and the Indian Reservation was very appreciative of what they had done for them.

POSSIBLE REVIEW OF COUNTY POLICIES AND CONTRACTS

There was none.

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

There was none.

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 2:39 p.m..

Attest: _____

Approved: _____