

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 19th DAY OF JUNE 2012
AT THE COURTHOUSE, FILLMORE, UTAH

PRESENT: James I. Withers..... Chairperson
Daron P. Smith..... Commissioner

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

EXCUSED: Bart A. Whatcott. Commissioner

ALSO PRESENT: Lindsay Mitchell County Sheriff's Office
Connie Hansen County Recorder
Jason Despain Citizen
Pat Manis County Assessor
Susan Wilcox Deputy County Assessor
Russell Oslen Larson & Rosenburger, LLP
Robert Dekker County Sheriff
Del Barnhurst USDA Forest Service

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 excused Commissioner Whatcott from today's meeting. He is attending a meeting in Washington D.C. for a NACo Board he is serving on. Commissioner Withers asked if anyone had an opening statement to give. Commissioner Smith read a quote from Thomas Jefferson: "No duty the executive had to perform was so trying as to put the right man in the right place". Commissioner Withers said the invocation. Everyone stood and said the Pledge of Allegiance to the Flag.

APPROVAL OF JUNE 5, 2012 COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held June 5, 2012 were presented for consideration and approval. Following review and consideration of minor corrections, Commissioner Smith made a motion to approve the minutes of June 5, 2012, as corrected.

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

AUDITOR'S REPORT

Auditor Grace received a check for \$46,297.96 for FEMA reimbursement for the flooding project. She receipted that back into Fund 21 in the Road Department since that is where the majority of the expense was taken from.

Auditor Grace received the PILT funding in the amount of \$1,373,773.00. She said that \$300,000.00 of that went into the Road Department Fund and the remaining went into the General Fund.

Auditor Grace received notices that on July 9, 2012 there will be telephone status conferences on a couple of the centrally assessed property appeals for 2011. Pacificorp's conference is scheduled at 8:45 a.m. and DGNT is scheduled at 9:00 a.m..

Auditor Grace presented a copy of the letter she wrote to Utah Local Government Trust for filing in the Clerk's Office.

Auditor Grace and the Commission discussed the Utah Retirement Systems rates. The public safety Utah retirement rate increased from 27.07% to 30.45% and the non-contributory rate increased from 13.77% to 16.04.

The 401K rate for regular full-time employees is currently at 11.68%. In the past, the county tried to balance this out to be fair and equitable. Commissioner Smith said that the 401K increase is not mandatory and it can be taken away at any time.

Commissioner Smith made a motion to increase the 401K from 11.68% to 14.18%, and if it is not fundable it will be decreased back down to a rate which is affordable. This increase will go into effect July 1, 2012 and will remain in force for one year.

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

POSSIBLE APPROVAL OF HARDSHIP ABATEMENT APPLICATIONS

There was none.

POSSIBLE BOARD OF EQUALIZATION (BOE) DISCUSSION AND OR ACTION

There was none.

TREASURER'S REPORT

Treasurer Hansen reported that both Sandy Crossing in Scipio and Larry Smith in Delta have paid what they agreed to pay on their personal property taxes.

Treasurer Hansen sent a letter in regards to returning the Title III Funds on SRS for Forest Service. He sent letters to all the members of the committee informing them that if he did not receive a response back by a certain date he would plan on proceeding with the process of returning that money. Treasurer Hansen asked the commission to approve his returning the money at this time.

Commissioner Smith made a motion for Treasurer Hansen to release the SRS funds that were received from the Federal Government back to the US Treasurer in the amount of \$76,617.72.

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

Treasurer Hansen voiced some concerns that he had from a county treasurer's standpoint regarding the agenda item of a resolution or letter acknowledging Delta City's proposal to establish a special service district at Sherwood Shores to supply water.

OTHER

RATIFY THE MOTION TO PROCEED WITH A LETTER TO CONSIDER INSURANCE OPTIONS

Commissioner Smith made a motion to ratify sending a letter to the Utah Local Government Trust stating that the county had changed its position and is no longer interested in receiving a bid from them for the county's insurance options due to certain pending litigation and the county's involvement with its current insurance company.

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

DISCUSSION AND POSSIBLE ADOPTION OF MILLARD COUNTY'S 2012 GENERAL TAX RATE AND LOCAL ASSESSING AND COLLECTING TAX RATE

Assessor Manis said that overall the values were down 1% - 2% county wide. Personal property values were up a little from the prior year. Specific general areas, such as the east Millard towns including Fillmore, Kanosh and Scipio's residential land went down 25% and residential improvements went down 5%. In Holden and Meadow only residential land went down 25%.

The east bench vacant ground property that is not irrigated went down 25%. All irrigated land throughout the county was standardized at \$1,000 an acre regardless of its location. Delta City residential land and residential improvements went up 5%.

Centrally assessed properties were up \$115,000,000.00 and real property was down about \$10,000,000.00.

Commissioner Smith made a motion to adopt Millard County's Local Assessing and Collecting Tax Rate for 2012 at .000228 which is the certified tax rate.

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

Commissioner Smith said that this rate is the rate the county gets revenue from to generate running the offices that are associated with assessing and collecting, mainly the Assessor's, Treasurer's and Auditor's Offices. This ensures that the county can provide the assessing and collecting service for all the other taxing entities of the county. The amount received does not cover the entire costs for this service.

Commissioner Smith made a motion to adopt Millard County's General Tax Rate for 2012 at .0033.

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

RATIFY THE ACCEPTANCE OF STAKER PARSON'S BID FOR RESURFACING THE PUBLIC SAFETY COMPLEX PARKING LOTS

Commissioner Withers explained that there were some concerns the county had with the contract provided by Staker Parson. The county is going to provide an amended contract to Staker Parson and this item will be brought back for ratification at the next commission meeting.

This item was tabled.

DISCUSSION AND POSSIBLE APPROVAL OF A BUSINESS LICENSE FOR JB & PATTY'S DIGGITY DAWG - OWNER JOHN B & PATTY JENSEN

A business license application was presented for JB & Patty's Diggity Dawg for a food vending business. After review of the application and finding all the signatures in order, Commissioner Smith made a motion to approve the business license for JB & Patty's Diggity Dawg - Owner John B & Patty Jensen.

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

DISCUSSION AND POSSIBLE APPROVAL OF ERIC JENSON REPLACING JUDY HUNTSMAN ON THE GREAT BASIN HERITAGE BOARD

Commissioner Smith made a motion to approve Eric Jenson to replace Judy Huntsman on the Great Basin Heritage Board.

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

DISCUSSION AND POSSIBLE APPROVAL OF A RESOLUTION OR LETTER ACKNOWLEDGING DELTA CITY'S PROPOSAL TO ESTABLISH A SPECIAL SERVICE DISTRICT AT SHERWOOD SHORES TO SUPPLY WATER

Commissioner Withers said that this was discussed earlier and the county has some concerns. Commissioner Smith said that Delta City requested a resolution or letter of support for its creation of a special service district.

Attorney Waddingham said that the statute does not require the County to adopt a resolution or give its consent to a municipality creating a special service district. However, the reverse is true when a county creates a special service district that includes all or part of a municipality. He stated that the reason a county is not required to adopt a resolution agreeing or consenting to a municipality creating a special service district is that normally a city or town would create a special service district only within its municipal boundaries, so a county would not need to approve it.

One exception in state law that would allow a municipality to create a special service district outside of its municipal boundary would be if there was already a special service district in existence that is not providing the same service that the municipality is able to provide. The statute also gives a city or town the right to annex the area in question and provide the service, assuming it can be properly annexed. Attorney Waddingham gave a brief overview of the statute.

The commission discussed this issue further. Treasurer Hansen discussed his concerns as a county treasurer. As no one from Delta City was available to answer questions, no action was taken.

Commissioner Smith made a motion to strike this item from the agenda. Delta City may request that this item be placed back on the agenda if it so desires.

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

DISCUSSION AND POSSIBLE APPROVAL OF AMBULANCE ABATEMENTS - LINDSAY MITCHELL

Lindsay Mitchell presented an ambulance abatement application from Ellen Stevens. The commission discussed Ms. Stevens' situation at an earlier meeting. Ms. Stevens' ambulance bill is in the amount of \$4,146.90. She receives an annual income of \$13,800.00. Her total debt including the ambulance bill is \$8,846.63.

Commissioner Smith made a motion to abate 40% of Ms. Stevens' ambulance bill based on income and to set up a monthly payment plan that she can afford.

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

Later, Commissioner Smith made a motion to adjust the above motion based on the Health and Human Services poverty guideline and to abate Ms. Stevens' ambulance bill by 60% based on income and to set up a monthly payment plan that she can afford.

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

PRESENTATION OF THE 2011 INDEPENDENT AUDIT

Russell Olsen, Larson & Rosenburger, presented the 2011 Independent Audit. He reviewed and explained to the commissioners the Independent Auditor's Report, the State Compliance Report and the Government Auditing Standards Report.

The only findings that were found in the audit were regarding closing journal entries, drafting of the financial statements and the building permit surcharge report, all of which were non-concerning findings but had to be disclosed.

He said that he appreciates all that the county and its staff does in providing his company all the information needed to complete the audit.

Commissioner Smith inquired about the amount of the closing bond for the landfill. Mr. Olsen explained that there was some updated information received from the engineers and they made changes to reflect those updates.

Commissioner Smith asked about an issue brought up that the management should put together the financial statements instead of the auditor. Mr. Olsen said that the other county they audit do it the exact same way as Millard County does it. A lot of the cities have an audit software that helps them with that. He said that it is up to the county to decide the resources and the effort to put forth.

Commissioner Smith made a motion to approve the 2011 Independent Audit. Currently the audit is a preliminary draft. This will be brought back to the next commission meeting for approval once the corrections have been made and then be submitted to the state.

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

DISCUSSION REGARDING THE HEALTH AND HUMAN SERVICES POVERTY GUIDELINES

Commissioner Withers said that there has been some discussion that the county might want to look at a different way of doing the guidelines for ambulance abatements. All three commissioners have reviewed the guidelines. Commissioner Smith said that in the past the commission basically used the income guidelines for the State of Utah that show poverty levels and a percent of income for someone able to pay. It has been presented to the commission that there is another guideline from Health and Human Services which also considers the size of a family.

This guideline is used by IHC and the commission felt that ambulance services fit right in with these kinds of services.

Commissioner Smith made a motion to adopt the poverty guidelines set forth by the Health and Human Service for 2011 as the new guideline for ambulance abatements.

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

DISCUSSION REGARDING THE POSSIBILITY OF BRINGING NATURAL GAS TO FLOWELL - DEXTER ANDERSON

Dexter Anderson discussed with the commission the option of bringing natural gas to Flowell. The commission informed Mr. Anderson that it has been looking into the possibility of bringing natural gas into Flowell and Sutherland for some time now. Linda Gillmor, Millard County Economic Development Director, has been working on trying to get funding for this project.

This has also been placed on the CIB list to see if the county could receive some funding to help cover the costs. Mr. Anderson questioned if Questar Gas has a franchise agreement with the county giving them the right to be the only provider in the county? Attorney Waddingham said that he does not know of a franchise agreement but he will look into it and let Mr. Anderson know what he finds out.

Mr. Anderson discussed the option of having another entity besides Questar Gas provide the service. Commissioner Smith said that the county would be very supportive of natural gas service.

DISCUSSION REGARDING PERSONAL PROPERTY TAXES

Assessor Manis said that every year at this time they present a list of people who have applied for exemption on personal property taxes because they fall under the limit. They presented the list to the commission for approval. There was an increase for the exemption amount from \$3,800.00 to \$3,900.00.

Assessor Manis discussed the process of sending a postcard to those businesses informing them that they would need to fill out the postcard and return it to the Assessor's Office. He said that some county's have created an ordinance to allow this process. If the commission would approve this process it would need to be done prior to October 2012.

Commissioner Smith made a motion to approve the 2012 personal property exemption tax list under \$3,900.00 which was provided by the assessor's office and grant the exemption to personal property under \$3,900.00.

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

Assessor Manis said that this year after May 15, 2012 there were 77 business owners who did not respond to the personal property questionnaire. Each year the assessor's office sends letters to businesses reminding them that they need to respond and if they do not file, the assessor's office will be required to estimate the value of the business and a penalty will be added. The assessed value cannot be appealed.

Assessor Manis said that there are some things that the commission can consider regarding late responders. They could hold fast and require the payment; they could require the taxpayer to come into the commission and plead its case; or the assessor's office could keep a list and it would only be granted consideration one time.

The commissioners and Assessor Manis discussed the options available if the property owners do not pay the personal property taxes.

The commissioners said that they like the idea of sending a letter and allowing a restricted

time frame and to keep a list of those who receive a one time consideration. The commissioners gave Assessor Manis permission to proceed with this option.

Assessor Manis discussed Juan Sandoval's personal property taxes on a trailer he purchased. Assessor Manis said that the Delta Office called the Assessor's Office to inquire if there were any taxes owed on the trailer and was told that there were no taxes owed. The Delta Office then issued a clear title to Mr. Sandival. It was later discovered that there were taxes owed on the trailer. Assessor Manis suggested that the commission waive the prior year's tax since it was an assessor's error.

Commissioner Smith made a motion to waive the 2011 personal property tax for Juan Sandoval in the amount of \$81.21 because of an assessor error.

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

Assessor Manis said that C-Corse Cement, owner Brent Hagland, has not responded to the notices and the taxes have been carried over for several years. Assessor Manis said that the business is non-existent and suggested that the commission write off the balance of \$226.00.

Commissioner Smith made a motion to write off the personal property tax in the amount of \$226.00 for C-Corse Cement, owner Brent Hagland.

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

Assessor Manis said that BC Maintenance and Service, LLC and Terry's Alternate Healing protested the amount they owed, which was denied, and they have not made any payments toward the personal property taxes. Assessor Manis suggested that the commission write off the balances on both businesses in the amount of \$44.12 each.

Commissioner Smith made a motion to write off the balance of \$44.12 each for Terry's Alternative Healing and BC Maintenance and Service, LLC, both owned by Bruce and Terry Combs.

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

Assessor Manis said that Verizon Global Network, Inc. did not file a report and when contacted they informed the assessor's office that they sold the business to MCI Communications. MCI Communications already has a centrally assessed account with the county and if this account is assessed it would be considered double taxation.

Commissioner Smith made a motion to waive the 2011 personal property tax for Verizon Global Network, Inc. since the business has been sold.

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

Commissioner Smith made a motion to recess for lunch.

Commissioner Withers stepped from the chair and **SECONDED** the motion. The voting was unanimous and the motion carried. The meeting recessed at 12:35 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 1:55 p.m..

PUBLIC INPUT

There was none.

OTHER BUSINESS

Sheriff Dekker said that during the last budget hearing he discussed with the commission the need to install a new telephone system at the Public Safety Building. He said that it is time to have this done. Commissioner Smith said that he has looked at the budget and questioned the availability of money for the new telephone system. He said that if it is a need, to go ahead with the project and the commission can reopen the budget at a later date. Sheriff Dekker will proceed by getting a request for proposal.

Sheriff Dekker requested to go into a closed session.

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

Commissioner Smith 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 Withers stepped from the chair and SECONDED the motion. The voting was unanimous and the motion carried. Present in the closed session were Sheriff Robert Dekker, County Clerk Norma Brunson, Commissioner Daron Smith, Commissioner James Withers, Attorney Richard Waddingham and Deputy Clerk Marki Rowley.

After the closed executive session the regular meeting reconvened at 2:10 p.m..

COORDINATION MEETING WITH US FOREST SERVICE AND THE BOARD OF MILLARD COUNTY COMMISSIONERS

Del Barnhurst, Forest Service, discussed the following:

- They widened a section of Chalk Creek Road.
- Statewide fire restrictions. Only developed campgrounds and picnic areas can have open fires.
- Forest Service permits. Millard County is in better shape than most places. The feed will last longer than other places. They are doing a log permit of what is there but will still need to take care of the vegetation.
- The County is in a heavy drought. It is at a record low for this time of year with soil

moisture, which causes concern for fires.

- Fire season this year has the potential to be pretty big. There has already been some pretty good size fires this year. So far there has been over 2,000 acres burned. There have been about ten fires caused by people target shooting.
- They are looking at things closely as far as jumping on the fires pretty quick. They don't see a lot of benefit to let a fire burn because it may cause a larger fire and burn too much vegetation. Safety is going to be the first priority.
- His office will coordinate with the ATV committee to let them know of the fire restrictions.
- All of the roads except for the Sand Rock Ridge Road are open and should be dry for the ATV Jamboree this year.
- The vegetation is between 30% & 50% of normal growth.

Commissioner Smith said that the Title III, SRS money the county received is supposed to be used for a project associated with the Forest Service. The county has had a hard time coming up with projects to use the money for, so it is going to return the money.

OTHER BUSINESS CONTINUED

Klint Penney, East Millard Maintenance, reported that the roof on the new ambulance building in Fillmore is starting to warp. He said that Zane Pentz with Sunrise Engineering called Todd Aldredge and he informed him that they will get it resolved. Apparently there have been some problems with other roofs so they called the manufacture company regarding this issue.

Mr. Penney also informed the Commission that there is not a sign indicating that the building is an ambulance building, so he will look into getting some signs put up.

Attorney Waddingham will send out an email reminding all offices/departments to submit its interim successors.

Clerk Brunson informed the commission that Duchesne County's Commissioner, Deputy Clerk and the Republican Chairperson discussed going by mail ballots on the County Seat T.V. program. They had a bit of opposition but the Duchesne County Commissioners, as well as the Republican Chairperson, are in favor of this.

Clerk Brunson set the canvass of the June 26, 2012 Primary Election for Thursday, July 5, 2012 at 12:00 p.m..

Commissioner Withers discussed an issue with the Lyman Row baseball field in Delta. Some of the residents who live close to the field are complaining that the parents who are attending games at the field are not watching their younger children and are letting them run around in their yards.

Commissioner Withers said that there is a gentleman who owns 20 acres that is adjacent to the fair building and ball parks in Delta who is interested in selling it to the county. The commission will look into this further.

DISCUSSION BY EACH COMMISSIONER, COUNTY ATTORNEY, ELECTED OFFICIAL
AND SECRETARY

There was none.

POSSIBLE REVIEW OF COUNTY POLICIES AND CONTRACTS

There was none.

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 2:41 p.m..

Attest: _____

Approved: _____