

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 17th DAY OF JULY 2012
AT THE COURTHOUSE, FILLMORE, UTAH

PRESENT: James I. Withers..... Chairperson
Bart A. Whatcott. Commissioner

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

EXCUSED: Daron P. Smith..... Commissioner

ALSO PRESENT: Shara Bastian & Scott Christensen. Six County RSVP
Jean Smith Citizen
John Hansen County Treasurer
Bonnie Gehre Auditor’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 read two quotes from Thomas Jefferson: “It is incumbent on every generation to pay its own debts as it goes. A principle which if acted on would save one-half the wars of the world”. “The democracy will cease to exist when you take away from those who are willing to work and give to those who would not.” Commissioner Withers said the invocation. Everyone stood and said the Pledge of Allegiance to the Flag.

APPROVAL OF JULY 3, 2012 COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held July 3, 2012 were presented for consideration and approval. Commissioner Whatcott made a motion to approve the minutes of July 3, 2012, as presented.

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

AUDITOR'S REPORT

Chief Deputy Bonnie Gehre reported that recently the auditor's office received a notice of cancellation of insurance for Brinkerhoff Stables but today received a letter of renewal. The notices were filed with the clerk's office.

Chief Deputy Gehre said that the County went with Signa the first of this year for long term disability. She said that the County was with Utah Retirement System prior to 2012 for long term disability. Utah Retirement System did an audit and determined that Signa's plan is the same as the other long term disability plans. Utah Retirement System will offer a waiver program for any employee qualifying for medical insurance. Basically they will waive the premium for the employee for up to a certain period of time.

Chief Deputy Gehre presented the form for the commission to sign.

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 presented a booklet on the State Money Management Act that he receives each year for the commission to review and keep for reference.

He also presented a report which includes a list of all the county's deposits on hand at the end of June 2012. The report is required by the State Money Management Act to be sent each July and January for the periods ending June and December.

Treasurer Hansen presented the deposit and investments report that is sent to the State Money Management Counsel for the commission to review. He explained that this does not tie directly to any of the accounting funds that the county has, only the balances on the bank accounts that he tracks and the balances that are in those accounts at the end of the month. However, it does somewhat relate to the funds that are available for county operations, just not directly, because there are some of the funds that are the treasurer's fiduciary funds that are not included in the budget or the accounts that the county maintains. Some of the things on that report are not included in the financials that he presents every month to the commission.

Treasurer Hansen discussed delinquent notices that are sent out on a periodic basis. One that

came to his attention was Sprit Aviation. It had a taxable value assessed in 2008. It will be up for final tax sale next year. It only had that value for one year and taxes have not been paid. The county has not been able to contact anyone from Sprit Aviation. The total amount now due is \$88.96.

Treasurer Hansen suggested that the commission recognize that the county will not be able to collect this amount and to write it off, being that it will be more costly for the county to pursue the payment. He has done some research but has been unable to find any ties of this company in Utah.

Commissioner Whatcott made a motion to write off the balance of Sprit Aviation's taxes in the amount of \$88.96 which includes penalty and interest.

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

Treasurer Hansen said that the county was looking into purchasing a piece of property in Delta near the ball parks. He said that he would encourage the commission to look into the maintenance, upkeep and liability of the property before making a final decision.

Treasurer Hansen shared the proposed tax rates for the year 2012. Overall, almost every taxing area will have a slight increase. He said that the only real decrease that he noticed was the county's, which was a decrease of 74 points. The school district increased by 23 points and the basic school levy rate increased by 60 points. The school district total levy increased by 83 points which is more than enough to offset the county's decrease. The result in the individual areas like Delta and Fillmore is an overall increase just by taking those two taxing entities into consideration. If you look at other areas there are increases and decreases, but most of the entities had an increase in their tax rate. The lowest tax rate change was in Leamington which went down 5 points. The highest increase was in Delta City which went up 112 points. Most places will see an increase in their tax rate. Depending upon the changes in values, their taxes could be more or less.

OTHER

DISCUSSION AND POSSIBLE APPROVAL REGARDING SECURE RURAL SCHOOLS (SRS) TITLE III USE OF FUNDS

Commissioner Withers said that in the past the county received Title III money from SRS that is earmarked specifically for fire and emergency uses including fires, search and rescue, and fires on Forest Service property.

One problem the county ran into in the past was finding worthwhile projects to appropriate the funds. The county chose to send the money back in the past. The county has since had a few fires and now it is discussing using the SRS money to help with the fires.

Treasurer Hansen said that one of the requirements that need to be done prior to the county using the money is to hold a 45 day public comment period. The funds have to be committed to prior to September 30, 2012. The county would need to have a hearing to indicate what the county intends on using the money for and provide the opportunity for public comment for 45 days and then approve the use of the funds.

Treasurer Hansen said that he spoke with someone from the Richfield, Utah, office who indicated that he believes that the county could advertise for the use of the funds for the fire even though it is after the fact. The county could also obligate the money for emergency uses in the future. The county would have to specify the intended use of the money. The money would then have to be used by Sept 30, 2013.

Treasurer Hansen will prepare a notice for the paper and the public notice website.

Commissioner Whatcott made a motion to take the necessary procedures to utilize the SRS Title III funds and direct the treasurer to prepare proper notices.

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

APPROVAL OF THE 2011 INDEPENDENT AUDIT

Commissioner Whatcott made a motion to table the approval of the 2011 Independent Audit.

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

RATIFY THE MOTION TO HAVE THE PROPERTY NEAR THE DELTA FAIRGROUNDS AND BALL PARKS APPRAISED TO DETERMINE THE CURRENT MARKET VALUE

Commissioner Whatcott made a motion to table the ratification of having the property near the Delta Fairgrounds and ball parks appraised to determine the current market value.

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

RATIFY THE MOTION TO BAN ALL FIREWORKS IN THE UNINCORPORATED AREAS FOR 2012

Commissioner Whatcott made a motion to ratify banning all fireworks in the unincorporated areas of Millard County for 2012.

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

DISCUSSION AND POSSIBLE APPROVAL OF A BUSINESS LICENSE FOR CLEAR CREEK COUNSELING - OWNER TERESA TURNER

A business license application was presented for Clear Creek Counseling, therapeutic counseling for family, individuals and couples including other services related to therapy and mental health. After review of the application and finding all the signatures in order, Commissioner Whatcott made a motion to approve the business license for Clear Creek Counseling - Owner Teresa Turner.

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

DISCUSSION AND POSSIBLE APPROVAL OF A BUSINESS LICENSE FOR EZ CONSIGNMENT - OWNER TERESA TURNER

A business license application was presented for EZ Consignment, selling miscellaneous supplies ie: welding, construction and equipment supplies. After review of the application and finding all the signatures in order, Commissioner Whatcott made a motion to approve the business license for EZ Consignment - Owner Teresa Turner.

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

DISCUSSION AND POSSIBLE DECISION REGARDING JEAN SMITH'S PROPERTY TAXES

Commissioner Withers explained that the commission has discussed the issue of the Leamington property taxes several times and the commission has determined that from a legal standpoint the county cannot go back and change the property's assessed value. The commissioners are preparing a letter to send to Ms. Smith which states their position on this issue.

Attorney Waddingham said that county officers have gone through the statute and have determined that in order to change the assessed value of property, a taxpayer would need to appeal to the BOE, which Ms. Smith did not do.

Ms. Smith explained that she spoke with the former assessor regarding this issue and he assured her that he would fix it, which never took place. She trusted him on his word and did not appeal the value to the BOE.

It was also discussed that Ms. Smith previously came to the Commission to request a waiver for interest, costs and penalties on the Leamington property. An agreement was made that if she were to bring her property taxes current before the 2011 property taxes came due the commission would waive the interest, costs and penalties on this property. Ms. Smith defaulted on the agreement, therefore, the agreement was null and void.

After further discussion, Ms. Smith asked the commission if it would consider refunding her interest, costs and penalties which would help her out. Treasurer Hansen stated that if the Commission were to order an abatement, the money would only be returned to the person or entity who paid it. In this case, it would be returned to the bank.

The commission will take Ms. Smith's request under advisement and will get back to her with a decision.

DISCUSSION REGARDING THE RETIRED SENIOR VOLUNTEER PROGRAM (RSVP) AND VOLUNTEER CENTER - SHARA BASTIAN AND SCOTT CHRISTENSEN

Scott Christensen, Director of Aging of Volunteer Services, Richfield, Utah, and Shara Bastian, RSVP Director, came to the commission to discuss the county contributing an amount to the RSVP program.

It was discovered by Commissioner Whatcott that Millard County was the only county out of the six counties that was not making a contribution. At the time of the assessment Millard County did not have any volunteers and that is how they base the funds for contribution.

Millard County now has 61 volunteers and Ms. Bastian explained that they base the contribution amount on the number of volunteers at \$10.00 a head. They are asking Millard County to contribute \$610.00 a year.

Ms. Bastian presented the commission with a breakdown of the program. She explained the program and what it offers to the communities. She said that the other five counties currently contributing, renew the contribution on a yearly basis. If Millard County would like to have them come back to the commission each year to request the contribution they would be willing to do so.

The commissioners would like to discuss this issue further with Commissioner Smith who is absent from today's meeting. This issue will be brought back to the commission for a decision.

PUBLIC INPUT

There was none.

OTHER BUSINESS

Commissioner Withers presented some agreements that he and Commissioner Smith signed concerning the cost of the fire and a cost share agreement between Millard County, the US Forest Service and the BLM

Clerk Brunson presented the commissioners with a list of the interim successors that she has received.

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

Commissioner Whatcott attended a Rural Water Association meeting in Bicknell, Utah.

Commissioner Whatcott attended the Six County Association of Governments (AOG) meeting in Eureka, Utah. He participated in a field trip sponsored by the Division of Natural Resources.

Commissioner Whatcott attended the National Association of Counties conference in Pittsburgh, Pennsylvania. He is on the steering committee of Energy Environment Land Use (EELU).

He said that it is important to go to the March conferences to discuss resolutions. The resolutions are voted on only once a year at the NACo Conference in July.

Commissioner Withers attended numerous meetings with federal government personnel pertaining to the fires. They discussed the county's participation as far as using the equipment and how it will be paid back.

Commissioner Withers met with the Natural Resource Conservation Services (NRCS) and discussed receiving funds in an emergency situation for flood control. This will help Oak City town make sure they have the funds to prepare for the flash flood.

A decision was made that the county will be the fiscal agent for the grant. They will need to tie up a few loose ends before that can be done. No work can be done until the funds have been received.

Commissioner Withers said that he had a conversation with Michael Stahlie, Oak City Mayor, who informed him that Oak City has a current contract with Jones and Demille Engineering. Jones and Demille Engineering did a study for Oak City in 2006 for flood control and that same study is being used to move forward. The purchasing policy gives the county the right to suspend bids in an emergency situation. Given the current problem with potential flooding, the commissioners made a decision to use Jones and Demille Engineering because it had done the original study and is familiar with the situation.

Attorney Waddingham said that the policy states that in an emergency situation the county does not have to procure bids but should do its best to try to involve others. There was discussion as to whether Jones and Demille Engineering may also be identified as a single source provider given the current emergency, since they did the original study and is familiar with Oak City's situation.

The commission will put this in writing and will provide a letter to the clerk's office for filing. They discussed the procurement policy and the contract with NRCS.

Attorney Waddingham asked whether permits would be issued by the Army Corps of Engineers or the State for dredging the channel. The Commission will follow up on this issue.

Commissioner Whatcott suggested that the county park a backhoe in Oak City to be easily accessed and be better prepared for potential flooding.

DISCUSSION REGARDING THE OAK CITY FIRE

The Commissioners and Attorney Waddingham had a phone conference with Bronson Smart, NRCS. Mr. Smart confirmed the following:

- The county can bypass the advertising of bids for an engineer in an emergency situation.
- The county does not have to worry about a bond in this specific project.
- The Environmental Impact Study will be built into the damage survey report, but it is not necessary for commencement of the project.
- The county is okay to proceed with the project.
- The county does not need any permits from the federal government or the state on the dredging. The county will need verbal or written permission from the land owner or will need to acquire easements on the property at issue.
- The project manager is someone from the county that will be overseeing the project and has the ability to sign documents.
- The project director has the authority to make decisions.
- The county would normally need to encourage freedom of competition but in the case of an emergency they recognize that they will not be able to free up competition.
- The contracting officer is the county.
- The county's legal interest and values are homes, residents and the citizens' water

- springs where they get their culinary water supply.
- Self Certification on procurement is not necessary. The county has that authority under state law.
- This program is exempt from the Davis-Bacon Act.
- The total approved budget for this project is \$573,300.00; \$440,000.00 federal award, \$133,300.00 non federal.

Attorney Waddingham said that the county received the go ahead from Mr. Smart to sign the agreement.

Commissioner Whatcott made a motion to accept the notification of the grant and agreement award and direct Commissioner Withers to sign the documents .

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

The approved budgeted amounts are as follows:

- Construction; \$571,300.00
- Other; \$2,000.00
- Total federal funds awarded; \$440,000.00
- Total non fed funds; \$133,300.00
- Total budget; \$573,300.00

Attorney Waddingham said that this agreement is in duplicate. Both contracts will be signed and sent to Dave Brown, NRCS Conservation. He will then send back a complete signed contract for the county to file.

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 Withers stepped from the chair and SECONDED the motion. The voting was unanimous and the meeting adjourned at 12:27 p.m..

Attest: _____

Approved: _____