

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 2nd DAY OF OCTOBER 2012
AT THE COURTHOUSE, FILLMORE, UTAH

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

Norma Brunson County Clerk
Marki Rowley. Deputy County Clerk

EXCUSED: Daron P. Smith..... Commissioner
Richard Waddingham County Attorney

Note: Not all agenda items were followed in order.

ALSO PRESENT: Tamara Engstrom Citizen
Zane Pentz Sunrise Engineering
Austin Johnson, Kjell Rasmussen, Nathan Camp, Anna Camp, Maddison Oliver,
Emily Barber, Kristine Camp, Sharal Young & Bobbette White 4-H

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 Withers excused Commissioner Smith, who is attending a WIR conference, and Attorney Waddingham, who is filling in for court. Commissioner Whatcott gave the following quote: “Go slow, think things through, there are very few real emergencies, and above all listen to your attorney”. Commissioner Withers said the invocation. Everyone stood and said the Pledge of Allegiance to the Flag.

APPROVAL OF SEPTEMBER 18, 2012 COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held September 18, 2012

were presented for consideration and approval. Following review and consideration of minor corrections, Commissioner Whatcott made a motion to approve the minutes of September 18, 2012, as corrected.

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

AUDITOR'S REPORT

Auditor Grace presented an invoice for the county's annual dues in the amount of \$400.00 paid each year to the National Association of Counties.

Auditor Grace said that at the commissioners' request, she looked into the unemployment program with UAC. She estimated that the cost to participate in that program would be about \$1,800.00. The amount is based on payroll, which is about 2 1/2 cents per \$100.00 of payroll.

Commissioner Whatcott said that he thinks this program is a good idea. It could save the County a lot of money.

Commissioner Whatcott made a motion to work with UAC through the Employer Advocates to represent the County on unemployment claims.

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

RATIFY THE APPROVAL TO TRANSFER \$80,000 TO THE LONG TERM HEALTH CARE FACILITY BUDGET

Auditor Grace said that the county had already budgeted the \$80,000.00, therefore, the transfer would not need to be ratified.

Commissioner Whatcott made a motion to strike ratifying the approval to transfer \$80,000.00 to the Long Term Health Care Facility budget from the agenda.

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

APPROVAL OF THE USL MEMORANDUM OF AGREEMENT FOR BOOKMOBILE SERVICES WITH THE STATE LIBRARY DIVISION

Commissioner Whatcott made a motion to approve the agreement with the State Library Division for bookmobile services in the amount of \$108,233.00.

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

POSSIBLE APPROVAL OF HARDSHIP ABATEMENT APPLICATIONS

Ms. Engstrom came before the Commission to discuss her 2010, 2011 and 2012 property taxes. She explained to the Commissioners her situation as to why she is unable to bring her property taxes for 2010 and 2011 current. She also said that she would not be able to make her 2012 property tax payment when it comes due.

The commissioners and Treasurer Hansen discussed options with Ms. Engstrom for her property taxes.

Auditor Grace suggested to keep the delinquent property tax issues separate from her 2012 property taxes. She suggested that Ms. Engstrom fill out an application for her 2012 property taxes.

Treasurer Hansen said that a hardship abatement is based on prior years income. Ms. Engstrom's income in 2011 would not justify a hardship abatement.

The Commission discussed possibly waiving penalties and interest for Ms. Engstrom's 2010 and 2011 property taxes.

Commissioner Whatcott made a motion to hold 2010 and 2011 taxes for one year and abate the penalties and interest on Ms. Engstrom's 2010 and 2011 taxes if it is brought current and to have Ms. Engstrom work with the Auditor's Office on her 2012 taxes.

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

Later Auditor Grace presented a hardship abatement application for Ms. Engstrom's 2012 property taxes.

According to Ms. Engstrom's financial information presented with the application she would not qualify for an abatement.

Commissioner Withers said to be consistent with what the County has done with other applicants, the County cannot abate any of Ms. Engstrom's property taxes for 2012 based on income.

Auditor Grace gave an example where the county, under special circumstances, based an abatement on gross income minus prescription costs.

Commissioner Whatcott made a motion to deny the hardship abatement application for Ms. Engstrom for the 2012 property taxes based on her income from last year. This was done to be consistent with what the County has done in the past.

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

Auditor Grace will send Ms. Engstrom a letter explaining the reasons why her abatement request was denied.

POSSIBLE BOARD OF EQUALIZATION (BOE) DISCUSSION AND OR ACTION

There was none.

TREASURER'S REPORT

Treasurer Hansen presented the September 2012 financial report dealing with the taxes, receipts and disbursements by the Treasurer's Office to the various taxing entities within Millard County.

He said that September is the end of the quarter so there were distributions made to all the entities.

Treasurer Hansen presented a list of business that are state assessed.

RATIFY THE APPROVAL TO PAY THE INVOICE TO CHADWICK BOOTH AND COMPANY

Commissioner Whatcott made a motion to approve the payment to Chadwick Booth and Company for the County Seat T.V. program.

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

Commissioner Whatcott said that the County has the opportunity to advertise events state wide on this program. He said that there is a really good advertisement on there right now promoting the Millard County Raceway on its big race coming up in about a week.

DISCUSSION AND POSSIBLE APPROVAL OF THE AGREEMENT BETWEEN MILLARD COUNTY AND JONES AND DEMILLE ENGINEERING, INC. FOR ENGINEERING SERVICES ON THE OAK CITY PROJECT

Commissioner Whatcott made a motion to table the approval of the agreement between Millard County and Jones and DeMille Engineering, Inc. for engineering services on the Oak City Project.

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

DISCUSSION AND POSSIBLE APPROVAL OF APPOINTING KEVIN MORRIS TO THE TOURISM COMMITTEE

Commissioner Whatcott made a motion to appoint Kevin Morris to the Tourism Committee. With his broad knowledge of bringing in events and the important contacts that he has made, this makes him an excellent candidate for this position.

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 NEW BEGINNINGS AT SEVEN D'S RANCH - OWNER LARRY DIXON (2)

A business license application was presented for New Beginnings at Seven D's Ranch, a residential support placement for adolescent boys. After review of the application and finding all the signatures in order, Commissioner Whatcott made a motion to approve the business license for

New Beginnings at Seven D's Ranch - owner Larry Dixon.

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

REVIEW AND POSSIBLE APPROVAL OF A CONTRACT WITH ROBERT WEIDNER, PLCC, FOR PUBLIC LAND LOBBYING SERVICES IN WASHINGTON D.C.

Commissioner Withers presented a contract for public land lobbying services in Washington D.C. with Robert Weidner, PLCC.

Commissioner Whatcott said that he feels that contracting with Mr. Weidner saves the County a lot on expenses such as traveling back and forth to Washington. Mr. Weidner is well read on just about anything you ask him.

Commissioner Whatcott made a motion to approve the contract with Robert Weidner, PLCC, for public land lobbying services in Washington D.C. on behalf of Millard County.

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

PUBLIC INPUT

There was none.

OTHER BUSINESS

Commissioner Whatcott said that the County received the final billing from Staker Parsons in the amount of \$63,950.00 for the chip sealing and fog coating for the Public Safety complex parking lots.

Commissioner Withers presented a request from the Great Basin Museum for an abatement on their landfill fees which is \$11.40 a month. They are requesting that the County waive the fee due to their budget being really tight and not having any money to cover the landfill fees.

Commissioner Whatcott made a motion to abate the Great Basin Museum's monthly landfill fees of \$11.40 for one year beginning November 1, 2012 and to reevaluate its situation one year later.

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

The Commission discussed the business license for AOP Herbs. The business license was originally in the name of Julie Taylor who has passed away. Her husband Douglas Taylor is requesting to take over the business. He was sent several letters requesting him to update the business information, which was not received within the time period for renewing the business license. Therefore, the business license was terminated. The Commission said that since the

business license was terminated, Mr. Taylor would have to reapply and would need to take all the proper steps to obtain a new business license. This item will be on the next Commission agenda for possible approval.

Clerk Brunson discussed with the Commission the possibility of doing by mail voting. Commissioner Withers said that the Commission will take her suggestion under advisement.

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

Commissioner Whatcott attended a Paiute ATV Trail Committee meeting held in Richfield, Utah. They discussed the following subjects:

- New kiosk and signs for each community that support the Paiute ATV Trail and businesses in the community. Money is being fronted by the Paiute ATV Trail Committee and signs will be installed by committee members.
- Reviewed information by special interest groups to close down or limit access on the ATV Trail. Members are encouraged to help support access to public lands.
- Reviewed the next issue of the Paiute ATV Trail quarterly update.
- Updated information for the kiosk going in for Beaver City.
- It was discussed that \$8,777.00 was deposited from the results of selling trail stickers and sales of memberships to “The Friends of the Paiute ATV Trail”, together with adds in the quarterly update and monies collected from the ATV Jamboree.

Commissioner Whatcott attended a meeting with Steve Styler, who updated him on the Peak Minerals project. Mr. Styler explained that Peak Minerals is conducting an economic feasibility study. They are very optimistic on the possibilities.

Commissioner Whatcott attended the Public Lands Council meeting in Richfield, Utah. They discussed the following topics:

- The frame work for the discussion came from HB 148
- Discussion on what would happen to SRS money and PILT payments
- Fire management
- Public Safety – Police Power
- Favoring a more locally driven approach
- County Commissioners would have veto power
- The sale of public lands
- Public lands that are land locked by private property
- Allow counties a considerable voice on all public lands issues
- Whether we need a Utah State Lands Over-Site Board and who would be on that Board (AOG Reps, Gov. Appointees, state directors, etc.)
- A state representative would like to see counties take care of their own property
- Authority board with the DNR, weighted to the county level with a stem to the Ag Board.
- Development of a public lands commission

- Utah is the tip of the spear and other states are falling in behind and supporting the state of Utah.
- Stop the Forest Service from demanding certain water rights
- Water is permitted to the permittee and tied to the permittee
- Rebuild logging infrastructure and promote old tree harvesting
- Target clean up areas in the name of health, safety and welfare
- Stewardship agreement

Commissioner Whatcott attended a BOE hearing in the commission chambers. He also attended a public hearing for the purpose of hearing comments regarding the expansion of the Fillmore Senior Citizen Center by building an addition to the Public Health Offices, which is part of the same building, for better services to the residents of Millard County.

Commissioner Withers attended several meetings regarding BOE and the County budget.

Commissioners Withers and Smith went to Baker Nevada and met with Dean Baker and Gary Perea, White Pine County Commissioner. They discussed the continued fight for the West Desert Water.

Commissioners Withers and Smith met with candidate Merrill Nelson, who is running for the Utah House of Representatives, to discuss issues that are concerning the County. They had a good conversation with Mr. Nelson. They discussed one of the most important concerns which is protecting the County's water assets, including the Southern Nevada Water issue.

Commissioner Withers met with Max Wood and discussed the Recreation Budget. He said that things seem to be going good with recreation.

4-H TEEN COUNCIL THANK YOU

Austin Johnson said that on behalf of 4-H he would like to thank the Commission for all of the support it gives to the 4-H. They are very grateful.

Each member in attendance today gave a brief update of what they have been doing with the 4-H program including:

- Going to the GYC
- Volunteering at the Statehouse Museum
- Attending the I 4-H in Price, Utah, which teaches the youth about leadership
- Attending the Region Retreat, which teaches the youth about self esteem. They also were able to go skiing at Eagle Point.
- Attending the T.L.T (Teen Leadership Training) where they learned about leadership skills.
- Three of the boys had the opportunity to be Region Ambassadors where they get to help plan all the activities and meals at the region retreat.
- They have done special service projects such as tidied pillow cases for kids of military families.

Commissioner Whatcott thanked the youth for all that they have done in the program. He told them to take the things they have learned and to mention them on employment applications.

Commissioner Withers said that volunteerism is a big part of the community and he appreciates the 4-H for all of the services they have offered with the program.

POSSIBLE REVIEW OF COUNTY POLICIES AND CONTRACTS

Commissioner Whatcott went over changes made to the Fillmore Equestrian Park policy. He said that the policy will be reviewed on a yearly basis.

OTHER BUSINESS CONTINUED

Zane Pentz gave an update of the ambulance building in Fillmore. He said that he is still trying to follow up with the contractor to fix the problems with the building. He said that if worse comes to worst they will go after the contractor's bond to get the problems fixed.

He also said that the problem with the FRP panels is getting worse. He said that on his design he specified rivets. The contractor used a certain glue that is causing the problem.

Mr. Pentz said that he was told that the metal roof has been fixed. Other issues were discussed regarding the building and Mr. Pentz said that he will follow up with all the issues.

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 11:59 a.m..

Attest: _____

Approved: _____