

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 8th DAY OF JANUARY 2013
AT THE COURTHOUSE, FILLMORE, UTAH

PRESENT: James I. Withers..... Chairperson
Daron P. Smith..... Commissioner
Alan M. Roper..... Commissioner

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

ALSO PRESENT: Jason Despain..... Citizen
Tony Dearden..... Citizen

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 Smith read a quote from Thomas Jefferson: “It is part of the American character to consider nothing as desperate - to surmount every difficulty by resolution”. Commissioner Smith said the invocation. Everyone stood and said the Pledge of Allegiance to the Flag.

APPROVAL OF DECEMBER 18, 2012 COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held December 18, 2012 were presented for consideration and approval. Following review and consideration of minor corrections, Commissioner Roper made a motion to approve the minutes of December 18, 2012, as corrected.

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

APPOINTMENT OF A NEW COMMISSION CHAIRPERSON AND CHAIRPERSON PRO

TEMPORE

Commissioner Smith said that it has been a county custom that the Commission rotate the commission chair. This year it would be his turn as the chair and Commissioner Roper would be the chairperson pro tempore.

Commissioner Roper made a motion to appoint Commissioner Smith as the commission chairperson for the year 2013 and Commissioner Roper as the chairperson pro tempore.

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

Commissioner Withers will continue as the commission chair through the rest of this meeting and Commissioner Smith will take the chair at the next commission meeting.

ASSIGNMENT OF COMMISSION DUTIES FOR 2013

The commissioners discussed the commission duties for 2013 and who would be over which departments.

Commissioner Smith made a motion to approve the list of Commissioner Duties for the year 2013. Commissioner Roper SECONDED the motion. The voting was unanimous and the motion carried. *See attachment.*

The Commission also discussed a replacement for Commissioner Whatcott as a trustee for the Transamerica 401K plan.

Commissioner Roper made a motion to appoint Commissioner Smith as a trustee for the Transamerica 401 K plan.

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

AUDITOR'S REPORT

Auditor Grace presented an indigent burial request for Velma Hamilton.

Commissioner Smith made a motion to approve an indigent burial for Velma Hamilton. Commissioner Roper SECONDED the motion. The voting was unanimous and the motion carried.

Auditor Grace presented a cell phone allowance request for Commissioner Roper in the amount of \$120.00.

Commissioner Smith made a motion to approve a cell phone stipend for Commissioner

Roper in the amount of \$120.00.

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

Auditor Grace presented a request for a credit card in the amount of \$3,000.00 for Commissioner Roper.

Commissioner Smith made a motion to approve a credit card in the amount of \$3,000.00 for Commissioner Roper.

Commissioner Roper 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.

DISCUSSION AND POSSIBLE APPROVAL OF SIGNING A POWER OF ATTORNEY FORM GIVING EMPLOYER ADVOCATES, LLC POWER OF ATTORNEY FOR MILLARD COUNTY'S UNEMPLOYMENT MATTERS

Auditor Grace said that sometime last year the commissioners approved moving forward with a program offered through UAC and Employer Advocates, LLC for administrating the County's unemployment insurance. In order to move forward they need the County to sign a form giving them power of attorney so that they can deal with the State on unemployment claims.

Commissioner Smith made a motion to sign the power of attorney form giving Employer Advocates, LLC power of attorney for Millard County's unemployment matters.

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

TREASURER'S REPORT

Treasurer Hansen presented the property tax collection distribution report for the month of December. He explained that Lynndyl Town and Drainage District #4 do not show a balance for the end of the year, due to their funds being held by requirement of the State Auditor.

Treasurer Hansen said that the multi-county assessing and collecting includes the fees that the County has to pay to the State, for assessing and collecting, and to Computer Assisted Math Appraisal (CAMA). It also shows the total collections and distributions for the entire year.

Treasurer Hansen presented an application for property tax relief from William and Helen Davis in Kanosh, Utah. They would basically qualify for a circuit breaker and/or an indigent tax credit but did not submit the paperwork and now it is too late. Mr. and Ms. Davis are now requesting assistance from the Commission. The commissioners looked over the information submitted by Mr. and Ms. Davis and decided that they would like to meet with them to discuss this issue further. Treasurer Hansen will contact them to set up a time to meet with the commissioners.

Treasurer Hansen discussed three tax accounts on parcels of property in the name of Garrett William Meisenheimer. Ms. Meisenheimer paid the taxes on these parcels after the due date so a late fee was assessed. The Treasurer's Office sent her a notice informing her that the late fee was added. Ms. Meisenheimer contacted the Treasurer's Office and asked Treasurer Hansen to take off the late fee. Treasurer Hansen informed her that he was unable to remove the late fee and suggested that she contact Commissioner Withers. She contacted Commissioner Withers and explained what had happened that made her payment late.

Treasurer Hansen explained that when a person's taxes are paid late and a late fee is added any payment made is first applied to the late fee and the remaining amount would be applied to the taxes. He said that if the Commission abates the late fee it would really be considered as abating a portion of the tax because the late fee attached to the taxes when Ms. Meisenheimer made her payment.

Treasurer Hansen discussed parcel 0051004/D-659-1, owned by Phil Lambertson. Mr. Lambertson met with the commissioners approximately one year ago and was given consideration on his property. The commissioners allowed Mr. Lambertson one year to make his payments current on the property taxes and if he complied the Commission would abate penalties and interest on the property. Mr. Lambertson submitted a letter explaining why he has been unable to bring the taxes current and is now requesting additional time due to circumstances beyond his control.

Commissioner Smith made a motion to work with Mr. Lambertson on parcel 0051004/D-659-1, and accept \$100.00 payments. If the payments are consistently made and the balance is paid in full by the end of the year the Commission will still waive the penalties and interest.

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

Commissioner Roper asked if it is a policy that the County waive the penalties and interest on property taxes. Commissioner Smith explained that penalties and interest are waived in some cases but not always.

Treasurer Hansen explained that it is not policy but it is the practice to help an individual save his/her home from being placed on the tax sale. The person requesting the abatement must come before the Commission to make the request.

Attorney Waddingham said that it is a case by case determination. From what he has seen, the Commission has always been consistent given the same circumstances.

Treasurer Hansen said that Millard County has made a real diligent effort not to take someone's home. The commission has always been sympathetic and do not want to take someone's home because of delinquent property taxes.

Treasurer Hansen said that each quarter he has to send a report to the State Money Management Council. He said that twice a year the report details all the accounts that are held with the County and its balances. He said that this time they sent a new form which requests the County indicate whether or not it has an investment policy in place. He read the letter which informed the County of the new form. Treasurer Hansen said that he does not think that the County has an investment policy in place at this time.

The Commission discussed this issue with Attorney Waddingham and decided that they would like to explore all the options available regarding this issue. Treasurer Hansen suggested creating a committee or a board to handle these kinds of things. The Commission asked Treasurer Hansen to put together some names for that board and submit it to the Commission for approval.

Treasurer Hansen said that he will mark on the form that the County does not have an investment policy in place at this time.

Jason Despain said that he is familiar with bonds and knows that with bonds they are always trying to make the money grow as safely as possible along with as much interest as possible. He said that the County could get a better return going with a bond than it would by investing with brick and mortar banks.

APPROVING THE AMOUNT OF THE TREASURER'S GENERAL FIDELITY BOND OR THEFT OR CRIME INSURANCE AS PRESCRIBED BY THE STATE MONEY MANAGEMENT COUNCIL

This item was covered with the agenda item below.

APPROVAL OF A FIDELITY BOND OR THEFT OR CRIME INSURANCE ON ALL COUNTY OFFICIALS AS A GROUP, RATHER THAN INDIVIDUALLY, BY PRESCRIBING THE AMOUNT OF SAID GROUP FIDELITY BOND OR THEFT OR CRIME INSURANCE FOR ALL COUNTY OFFICIALS (EXCEPT THE MILLARD COUNTY TREASURER) AND APPROVING THE PREMIUM FOR SAID BOND OF INSURANCE FOR ALL OFFICIALS

Treasurer Hansen went over the figures that are calculated to determine the amount of the bond for his office as well as other elected offices. He said that if you look at the amount based on county budgeted revenue, the amount of the bond would have to be at least \$760,000.00 and the amount for the treasurer, as prescribed by the State Money Management Council, would have to be at least \$1,358,000.00.

He said that last year the County had a blanket bond of \$2,000,000.00 which covered the treasurer and the other elected officials.

Commissioner Roper made a motion to approve the fidelity bond or theft or crime insurance on all county officials as a group, rather than individually, by prescribing the amount of said group fidelity bond or theft or crime insurance for all county officials, including the Millard County Treasurer, in the amount of \$2,000,000 with the treasurer's amount being \$1,358,000.00 and approving the premium for said bond of insurance for all officials.

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

carried.

RATIFY THE CELL PHONE ALLOWANCE FOR TERRY SCOTTORN, WEED DEPARTMENT

Commissioner Withers explained that he spoke with Tony Anderson who is with the Weed Department and he approved Terry Scottorn to continue the cell phone allowance through the Weed Department year round. He also said that the Weed Department will budget for the cell phone allowance out of its budget.

Commissioner Smith made a motion to ratify the cell phone allowance for Terry Scottorn, Weed Department, in the amount of \$40.00.

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

RATIFY THE ACCEPTANCE OF THE PROPOSAL FROM FRONTIER COMMUNICATIONS FOR THE NEW PHONE SYSTEM AT THE PUBLIC SAFETY BUILDING

Commissioner Smith made a motion to ratify the acceptance of the proposal from Frontier Communications for the new phone system at the public safety building.

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

Mr. Despain informed the Commission that 4G internet service will soon be available to Millard County residents. He suggested that the County not sign a five year contract with Frontier because they will miss the 4G upgrade. Commissioner Smith explained that the contract the County is signing with Frontier is to maintain the phone system and the internet is a secondary. He said that he hopes that in the future Frontier will upgrade its internet speed to remain in competition.

RATIFY THE APPROVAL OF RESOLUTION 12-12-18 C, A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MILLARD COUNTY, UTAH APPOINTING TRUSTEES TO THE BOARDS OF MILLARD COUNTY DRAINAGE DISTRICT 1 THROUGH DRAINAGE DISTRICT 4

Commissioner Smith made a motion to ratify the approval of Resolution 12-12-18 C, a resolution of the Board of County Commissioners of Millard County, Utah appointing trustees to the boards of Millard County Drainage District 1 through Drainage District 4.

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

DISCLOSURE STATEMENTS

Disclosure statements were submitted for the following employees:

John Hansen
Sheri Dearden
Norma Brunson
Margene Stevens
Alan M. Roper
Marki Rowley

DISCUSSION AND POSSIBLE APPOINTING OF MEMBERS TO THE PLANNING COMMISSION

Commissioner Smith said that Robin Smith retired from the Planning Commission and needs to be replaced. Joyce Barney also needs to be re-appointed to the board.

Commissioner Smith made a motion to re-appoint Joyce Barney and appoint Brent Blake to serve four year terms on the Planning Commission.

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

PUBLIC INPUT

Mr. Despain said that he wanted to offer his support to Commissioner Roper. He also wanted to get a feel for how the commission works with a new commissioner.

He asked the commissioners what their personal opinion is of the Fillmore Area Chamber of Commerce versus the Delta Area Chamber of Commerce and which do they feel is doing better and why.

Commissioner Withers said that he has only attended meetings of the Delta Chamber and based on those meetings he has noticed that they are very involved in shop at home and the local businesses. They are trying to get people to understand how much revenue would stay in the county if they would shop locally in Millard County.

He said that the Delta Chamber holds meetings every first Thursday at 8:00 a.m.. He said that he has been impressed with what they are trying to accomplish.

Commissioner Smith said that historically the Delta Chamber has functioned very well. It rotates its presidents and has a strong secretary. Delta City supports the Delta Chamber and houses its secretary for them.

He said that the Fillmore Chamber has struggled historically. He does not know why. They have discussed how they could do different things to make it better.

Millard County funds each chamber through its tourism board. Sometimes the Fillmore Chamber did not use its money because it did not do anything.

Commissioner Smith said that commissioners in the past have tried to get the Fillmore Chamber up and running better, but he wonders if it is more of a city issue with Fillmore. He said that really it is up to the cities and the local businesses to promote development in their areas. The county supports each city the best it can.

Mr. Despain asked if the chambers focus on local businesses or do they focus on bringing in businesses from outside the area.

Commissioner Withers said that he thinks that they are focusing on keeping local businesses in business rather than bringing in outside businesses.

Mr. Despain asked if there was a conflict with the County bringing in the bigger businesses. Commissioner Withers replied that the County is bringing in bigger businesses that are more company based such as the Delta Cheese Plant, Magnum Gas Storage, the Potash and possibly the expansion of the Delta Egg Farm, etc..

Commissioner Roper said that he thinks that the chambers do support the local businesses but they also welcome new businesses to the area. He said that economic development helps steer people in the right direction.

OTHER BUSINESS

Commissioner Smith said that he had a meeting with Linda Gillmor and Questar Gas dealing with natural gas being put in the Sutherland and Flowell areas. He presented maps that show the paths Questar Gas will take in getting gas to residents and local businesses in those areas.

He said that Ms. Gillmor is working with Senator Oakerland on two bills. These bills will basically force some competition and give the same benefits to industries in rural communities as to industries in urban communities. Basically it will give tax credits at the end.

Questar Gas will come back to the County and give a basic cost estimate. The commissioners viewed the maps and discussed what is needed to get natural gas into those two areas, how it will be financed and what they can do to keep the costs down.

The commission discussed upcoming meetings that they will be attending.

Commissioner Roper attended a SR2477 road meeting. He said that it was very informative for him. He said that there is a lot of things going on in the County as far as interviewing people. They are going to try to interview 300 people over the next couple of years. If there is anyone in the County that is 75 years or older or in bad health who would be of any help they ask that those people be identified.

Commissioner Roper asked if roads are automatically closed if they are not maintained or identified. Commissioner Smith explained that the BLM, in its management plan or its travel plan, will inform the County that a road will be closed, or an environmental entity will come in and say that the area the road is located in qualifies as wilderness and will request that the road be closed. The County tries to get legal ownership of those roads so that they cannot be closed. The BLM can issue a right-of-way on the road or under RS2477 if the road has been in existence for ten years or prior to 1976 and it can be proven, the federal government will do a disclaimer of interest to the State of Utah so that the County will have a legal right to those roads.

Commissioner Smith explained that there are two classes of roads; B and D. He said that the County would have to maintain the D roads at least once a year. He went into more detail on the two types of roads and the funding of the roads.

Attorney Waddingham sent a certified letter to Seimens informing them that the County will not be renewing the East Millard Swimming Pool contract.

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

There was none.

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 Roper made a motion to adjourn the meeting.

Commissioner Smith SECONDED the motion. The voting was unanimous and the meeting adjourned at 12:36 p.m..

Attest: _____

Approved: _____

**2013 Assignment of Duties for Millard County Commissioners
as of January 2013**

Commissioner Smith, Chairman	Commissioner Roper	Commissioner Withers
<p>Building Dept Long Term Care Mosquito Abatement District Planning & Zoning Risk Management / Insurance Six County Mental Health Sunset View Golf Course Water Conservancy District Wellness Committee West Millard County Maintenance</p> <p><u>State & Natl Committees & Boards</u></p> <p>NACO Agriculture & Rural Affairs Steering Committee WIR Board</p>	<p>East Millard Maintenance East Millard Recreation East Senior Citizens East Soil Conservation Economic Development Fillmore Area Chamber of - Commerce Fire District Board GIS Department Housing Authority Justice Court LEPC (Local Emergency Planning - Committee) Millard County Fair Museum Six County AOG Television Tourism</p> <p><u>State & Natl Committees & Boards</u></p> <p>Constitutional Defense Council - (CDC) Board UAC Public Lands Committee</p>	<p>Cemetery Districts Days of the Old West Rodeo Delta Area Chamber of Commerce Drainage Districts Landfill / Solid Waste Millard County Bookmobile Millard County Jr. Livestock Show Road Department Special Service District # 8 Six County Public Health USU Extension Service Weed Board West Millard Recreation West Senior Citizens West Soil Conservation Districts</p> <p><u>State & Natl Committees & Boards</u></p> <p>Capital Indigent Defense Board Environmental Energy Land Use Six County Public Health UAC Joint Highway Committee</p>

Joint Responsibilities:	Commission Meeting Dates for 2013
	Commission Meetings Begin at 10:00 a.m.
Board of Adjustments	January 8, 22 July 2, 16
Boundary Commission	February 5, 19 August 6, 20
Board of Equalization	March 5, 19 September 3, 17
County Comprehensive Plan	April 2, 16 October 1, 15
Grazing Board	May 7, 21 November 5, 19
Public Lands	June 4, 18 December 3, 17
Snake Valley Water Issues	
State and Federal Agencies	
Utah State Legislature	