

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 22nd DAY OF JANUARY 2013
AT THE COURTHOUSE, FILLMORE, UTAH

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

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

ALSO PRESENT: William & Helen Davis..... Citizens
Forrest Roper..... County Sheriff's Office
Connie Hansen..... County Recorder
Lindsay Mitchell..... County Sheriff's Office
Klint Penney..... East Millard Maintenance
JerE Brinkerhoff..... East Millard Recreation

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 Smith to the public and Commission members.

OPENING STATEMENTS

Commissioner Smith asked if anyone had an opening statement to give. Commissioner Withers read a quote from Thomas Jefferson: "I have often thought that nothing would be more extensively good at a small expense to the country, than to establish a small curricular library in every county". Commissioner Roper said the invocation.

Commissioner Smith said that there will be a funeral ceremony for Ray Church, who was a prisoner of war for 3 ½ years during World War II in Japan. Mr. Church was probably one of this area's greatest war heroes. They will be giving him a military funeral today in Delta, which is where he will be buried. It was quite an ordeal that Mr. Church lived through during that time, but he managed to live a long successful life in spite of it. Commissioner Smith wanted to acknowledge him and the sacrifice he made for our country and for our flag.

Everyone stood and said the Pledge of Allegiance to the Flag.

APPROVAL OF JANUARY 8, 2013 COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held January 8, 2013 were presented for consideration and approval. Following review and consideration of minor corrections, Commissioner Withers made a motion to approve the minutes of January 8, 2013, as corrected.

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

AUDITOR'S REPORT

Auditor Grace informed the Commission of two status conferences for Milford Wind. The first will be held February 13, 2013 at 11:45 a.m., which will be for discussion on Milford Wind's 2012 taxes. The other will be held February 20, 2013 at 11:45, which will be for discussion on Milford Wind's 2011 taxes. If the commissioners would like to participate in those status conferences by telephone they would need to contact the Utah State Tax Commission fifteen minutes prior to the start time.

Auditor Grace informed the Commission that the IRS increased the mileage rate for business travel from 55.5 cents a mile to 56.5 cents a mile. It has been county policy to follow the State guidelines for mileage reimbursement. She will send a memo to all elected offices and departments informing them of this increase.

Auditor Grace presented a cell phone allowance application from Michael Blad in the amount of \$40.00. Mr. Blad is a new Sheriff's Office employee.

Commissioner Withers made a motion to approve a cell phone allowance for Michael Blad in the amount of \$40.00.

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

Auditor Grace received a letter from Richard Gardner regarding property he obtained in 2012. The serial number of the property is D3864-6. He received this property in lieu of a judgement and was not aware that there were delinquent taxes owed. He is now asking if the Commission would be willing to waive the penalties and interest on this piece of property.

Commissioner Smith said that it has been practiced "buyer beware". If you buy a piece of property you are responsible to make sure there are no delinquent taxes on that piece of property.

Commissioner Roper said that he agrees with Commissioner Smith.

Commissioner Roper made a motion to deny the request made by Mr. Gardner to abate the penalties and interest on his property, serial number D3864-6.

Commissioner Withers 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 A PROPERTY TAX ABATEMENT FOR AN INDIVIDUAL

Treasurer Hansen presented an abatement application from William Davis. Treasurer Hansen said that he looked at past history on Mr. Davis' tax account. Mr. Davis filed his circuit breaker paperwork in a timely manner for his 2011 taxes. He received a 60% - 66%, or two-thirds reduction, in the past on the circuit breaker.

Mr. Davis came to Treasurer Hansen and explained that he did receive a circuit breaker application but did not turn it in before the deadline.

Treasurer Hansen informed him that the only option at this point would be to come to the Commission and request a tax abatement. Mr. Davis filled out the application and provided income statements. He verbally indicated that he and his wife have a lot of medical bills as well.

Mr. Davis explained to the Commission the difficulties he and his wife have had. He asked for some leniency on paying his property taxes. Commissioner Roper asked Mr. Davis if he could make a monthly payment to bring the taxes current. Mr. Davis responded that it would be difficult given the circumstances and his financial situation.

After further discussion and review of Mr. Davis' application and income information, Commissioner Roper made a motion to abate 67% of Mr. Davis' property taxes and to allow him until July 1, 2013 to pay the remaining balance. If Mr. Davis complies with these terms and pays the balance off before July 1, 2013, the Commission will waive penalties and interest.

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

Mr. Davis said that he feels that once a citizen turns a certain age he/she should not be required to pay taxes anymore since they have paid taxes their entire life. Commissioner Roper thanked him for his contribution through the years.

TREASURER'S REPORT

Treasurer Hansen said that he and Auditor Grace just completed the 2012 year end report. They would like to meet with the Commission to go over year end reconciliation or balances on financials for 2012 and also discuss prospects of where the County is and where they think the County is going financially for 2013. This meeting was scheduled February 5, 2013 at 9:00 a.m..

DISCLOSURE STATEMENTS

Disclosure statements were submitted by the following employees:

- Richard J. Carter
- Ben McDonald
- Lindsay Mitchell

RATIFY THE APPOINTMENT OF COMMISSIONER DARON SMITH TO SERVE AS A TRUSTEE FOR THE TRANSAMERICA 401K

Commissioner Withers made a motion to ratify the appointment of Commissioner Daron Smith to serve as a trustee for the Transamerica 401K plan.

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

RATIFY THE APPROVAL OF AN INDIGENT BURIAL FOR VELMA HAMILTON

Commissioner Withers made a motion to ratify the approval of an indigent burial for Velma Hamilton.

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

RATIFY THE APPROVAL OF A CREDIT CARD FOR COMMISSIONER ALAN ROPER IN THE AMOUNT OF \$3,000.00

Commissioner Withers made a motion to ratify the approval of a credit card for Commissioner Alan Roper in the amount of \$3,000.00.

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

CONSIDERATION AND POSSIBLE ADOPTION OF RESOLUTION 13-01-22, A RESOLUTION OF THE MILLARD COUNTY COMMISSION ADOPTING A PAY PLAN AND SCHEDULES FOR ALL MILLARD COUNTY EMPLOYEES, OFFICERS AND THEIR CHIEF DEPUTIES AND REPEALING ALL PREVIOUSLY ADOPTED AND AMENDED PAY PLANS, SCHEDULES AND STEP AND GRADE SCALES

Commissioner Smith explained that the County has amended its current compensation plan several times. Attorney Waddingham thought that it would be good to adopt a final resolution and to get rid of all the other amendments including some of which were conflicting or had already been repealed.

Attorney Waddingham said this resolution will repeal all of the old resolutions dealing with this matter.

The resolution contains all attachments.

Commissioner Roper made a motion to adopt Resolution 13-01-22, a resolution of the Millard County Commission adopting a pay plan and schedules for all Millard County employees,

officers and their chief deputies and repealing all previously adopted and amended pay plans, schedules and step and grade scales.

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

CONSIDERATION AND POSSIBLE ADOPTION OF RESOLUTION 13-01-22A, A RESOLUTION OF THE MILLARD COUNTY COMMISSION REPEALING SECTION IX OF THE MILLARD COUNTY POLICIES AND PROCEDURES MANUAL AND ADOPTING A NEW SECTION IX, ENTITLED "COMPENSATION", IN ITS PLACE

Attorney Waddingham read the official title of the resolution. He said that some of the resolutions that dealt with the pay schedules, included some changes to Section IX of the policies and procedures manual. The Commission just repealed all of those resolutions and now needs a new resolution to make sure that any previous changes to the policy manual remain valid. This resolution will also amend Section IX, B-3 of the policy by increasing the percent of a promotion from 4% to 5%. With this additional change, this resolution will essentially re-adopt Section IX of the policies and procedures manual in its entirety.

Commissioner Withers made a motion to adopt Resolution 13-01-22A, a resolution of the Millard County Commission re-adopting and amending Section IX of the Millard County Personnel Policies and Procedures Manual Entitled "Compensation".

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

Attorney Waddingham explained that in the first resolution adopted today, there is a section where it shows the numbers of the resolutions that were repealed. He said that there was one resolution where only Section I was repealed (Resolution 09-02-17D) because Section II of that resolution dealt with Section X of the personnel policies and procedures manual and needs to remain in effect. The County wanted to preserve that information so nothing dealing with Section X of the personnel policies and procedures manual was repealed.

DISCUSSION AND POSSIBLE APPOINTMENT OF A MILLARD COUNTY MAYOR TO SERVE ON THE SIX COUNTY ASSOCIATION OF GOVERNMENTS (AOG) BOARD

Commissioner Smith contacted Delta City Mayor Gayle Bunker to see if he would be interested in serving on the Six County AOG Board. Mayor Bunker had previously served on the board and agreed to serve on the board again.

Commissioner Roper made a motion to appoint Mayor Gayle Bunker to serve on the Six County AOG board.

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

DISCUSSION AND POSSIBLE RE-APPOINTMENT OF JOYCE SPENCER TO THE MILLARD COUNTY HOUSING AUTHORITY BOARD

Commissioner Roper made a motion to re-appoint Joyce Spencer to the Millard County Housing Authority Board for another four year term.

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

DISCUSSION AND POSSIBLE APPOINTMENT OF TONY DEARDEN AS THE MILLARD COUNTY ECONOMIC DEVELOPMENT ASSOCIATION (MEDA) CHAIRMAN FOR 2013

Commissioner Withers made a motion to appoint Tony Dearden as the MEDA chairman for 2013.

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

DISCUSSION REGARDING MILLARD COUNTY'S POLICY FOR PURCHASING FUNERAL FLOWERS

Commissioner Withers explained that when he first came on as a commissioner there was discussion about who should send flowers due to the loss of an employee or an employee's immediate family member. There were several departments sending flowers for the same employee and charging it to the County. The way Commissioner Withers understood it, the clerk's office would take care of those purchases, so that only one item would be sent using County funds. Sometime in 2011, Sheriff Dekker approached the Commission and expressed that it would be more personable if each office/department sent flowers for its own employees. The commission decided to allow this request as long as it was understood by all offices and departments that only the employee's department would send an arrangement using County funds; all other arrangements would need to be purchased with personal funds. Since that decision, there have been several invoices handed in for payment on the same funeral, which has prompted this discussion.

Commissioner Smith read a letter that was sent to all elected offices and departments after the discussion at the August 3, 2010 Commission Meeting informing them of the policy.

Captain Forrest Roper recommended that each department/office correlate with the clerk's office when ordering flowers.

Commissioner Roper asked how the County will know if something has been taken care of if there is not some kind of coordination. He said that the offices/departments need to coordinate the information with the clerk's office when there is a need to send funeral flowers and the clerk's office will send flowers on that office/departments behalf. Commissioner Smith agreed with Commissioner Roper and said that the expense of the purchase will come out of the requesting department's budget. If that office/department or another office/department would like to send something in addition to what the clerk's office will send they would need to purchase it with personal funds.

The Commission also discussed increasing the allowed amount for funeral flower purchases to \$75.00.

Commissioner Roper made a motion to increase the allowance for the purchase of funeral flowers to \$75.00 and have all departments correlate with the clerk's office when there is a need to send flowers, to ensure that there is only one arrangement being sent using County funds.

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

A letter will be sent to all departments/offices informing them of the updated policy.

Clerk Brunson said that when her office wants to send something in addition to the \$75.00 limit they pool their money together and get a more expensive arrangement.

PUBLIC INPUT

There was none.

OTHER BUSINESS

Deputy Clerk Rowley informed the Commission that she sent letters to all the Millard County Boards, per the Commission's instruction, requesting updated information on each board and its members. She received updated information on all of the boards except the following: Hinckley Cemetery District; the Fair Board; the Bookmobile Library Board; the Mosquito Abatement District; and the Weed Board.

Commissioner Withers said that he will contact Howard Bassett who represents the Hinckley Cemetery District as well as someone from the Weed Board for its updated information. Commissioner Smith said that he will contact the Mosquito Abatement District for its updated information. Deputy Clerk Rowley will send the other boards another letter if she does not hear back from them within the next couple of weeks.

Commissioner Withers said that he was approached by Spence Buttler who asked if he could purchase a piece of property owned by the County. This property is located right in the middle of Mr. Buttler's property in Leamington, Utah and is basically considered a flood plain. The Commission discussed Mr. Buttler's request and decided to bring it back for further discussion at the next commission meeting.

Commissioner Roper discussed the soccer fields. He said that he went to look at the highschool soccer field but was unable to get to it due to the snow. He then went to look at the church fields. He noticed that the vacant piece of property located north-west of the church ball fields could possibly accommodate two soccer fields if the County were able to purchase that piece of property.

Commissioner Roper said that he is unsure if the property that Fillmore City donated for soccer fields would be feasible due to infrastructure and the level of the field. He also wanted to

clarify what the budgeted amount was for fixing up that field. Commissioner Withers thought it was \$20,000.00 but Commissioner Smith thought that it was only \$10,000.00. They will research to find out the correct amount.

Commissioner Roper also discussed the high school gymnasiums that are scheduled to be torn down. He said that he thinks that it would be a shame to lose those buildings if there is a possibility to use them for something else. Commissioner Withers said that he has had a lot of people approach him with the same concern.

The Commission will set up a meeting with the school board to discuss some options.

Attorney Waddingham prepared a quit-claim deed for the Sand Ridge Road that will be conveyed to Fillmore City. Commissioner Smith explained that Fillmore City created a subdivision but only took in half of the road. Later, they wanted to run utilities down the road but now needs the County to convey the rest of the road to them. Fillmore City will continue to maintain that road.

DISCUSSION AND POSSIBLE APPROVAL OF AN AMBULANCE ABATEMENT - LINDSAY MITCHELL

Lindsay Mitchell presented a request from Guy Little. Mr. Little has an ambulance bill in the amount of \$3,768.13. He sent the County a check for \$2,368.00 and asked that the County consider this as payment in full. Ms. Mitchell said that when the billing agency received the check they sent out the forms for indigency help. Mr. Little wrote back and stated that he appreciates the forms that were sent to him, but they do not apply to his request. Mr. Little said that the hospital, doctor and other clinicians all accepted 70% in lieu of insurance coverage and hoped that the County would too.

Commissioner Roper made a motion to accept the payment made by Guy Little in the amount of \$2,368.00 and to write off the remaining balance of his ambulance bill.

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

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

Commissioner Withers said that all three commissioners met with Superintendent Dave Styler and Keith Griffiths regarding an update on the schools being built on both sides of the County. The commissioners were asked if the County would fund a building for the Delta Technical Center. The Commissioners expressed that they felt that the school board should try to use the space that they already have rather than build a new facility or expand their current facility.

Commissioner Withers met with the Weed Board. He said that they have the new truck working and Terry Scottorn is in the process of putting the new sprayer on it, so when the temperature gets above 35 degrees in Millard County they will be ready to spray weeds.

Commissioner Roper attended a Fire District meeting. He said that it seems to be functioning well and he enjoyed being in attendance.

Commissioner Roper inquired about an email inviting the commissioners to attend a meeting in Piute County. Commissioner Smith said that the County does not fund that organization. The organization sends announcements to all county commissioners. Commissioner Smith is sure that they would be welcome to attend the meeting but it is not a meeting they normally attend. He explained that Ken Ivory is behind encouraging the State taking over federal property. This organization is working through that process and is wanting to get input. The governor appointed a council which did not consist of any county commissioners, which is also one of the issues they are addressing. They are trying to get representation for that process.

Commissioner Roper asked if Commissioner Withers received any feedback from the Health Board. Commissioner Withers said that there is going to be a Health Board meeting on February 7, 2013. They will discuss options regarding the grant that the County applied for.

Commissioner Smith contacted Emery Polelonema and asked him to look into the possibility of the County leasing a building and then using grant money to purchase the building which is planned to be used for public health and mental health.

The commissioners discussed having all their options covered before moving forward. They also discussed existing buildings which could possibly be used for mental health and public health, as well as, options for building a new building and the financial aspects.

DISCUSSION REGARDING MAINTENANCE AND ISSUES AT THE FILLMORE EQUESTRIAN PARK - KLINT PENNEY

Klint Penney and JerE Brinkerhoff discussed possibly charging a fee for the use of the Fillmore Equestrian Park. They went over the prices that the County is already charging, which is not sufficient to cover any maintenance for the grounds or the indoor arena. Commissioner Roper said that the County needs to generate some kind of revenue to take care of maintenance for both sides of the County.

Mr. Penney discussed that the maintenance department needs a new tractor or backhoe. Commissioner Roper suggested that they lease a new tractor or backhoe for \$3,500.00 a year. The County could not purchase and maintain one for that price.

Commissioner Roper suggested to go visit with a local farm equipment salesman. The Commissioner said that Overson's is the local farm equipment supplier. Mr. Penney will look into this option.

Mr. Penney discussed replacing the swimming pool floor at the East Millard Swimming Pool. Commissioner Withers said that he contacted the company that recently redid the floors and spoke with a Mr. Nielson. Mr. Nielson told him that he explained to Commissioner Whatcott, Terri Cummings and Klint Penney that the color they picked would stain and be very difficult to clean. He also explained to them that the only way to keep it clean would be to pressure wash it with some chlorine. Mr. Nielson said that he made sure that the three of them understood this before the job was completed, therefore, he feels that the responsibility falls to the County not his company.

Mr. Penney said that he had an extensive conversation with Mr. Nielson, trying to explain to him that the paint he provided was not the same as what was on the floor previously, which they were made to believe it would be.

Mr. Penney said that he suggested to Commissioner Whatcott, when he purchased the paint, to cut their losses and have another company do the floor, but Commissioner Whatcott wanted to give that paint a try.

Mr. Penney said that the floor will need to be redone, along with the roof and the ceiling. He said that the ceiling and the roof would need to be done before the floors could be redone. He still needs to get some prices before he can continue.

Mr. Penney said that the indoor arena in Fillmore needs to be redone as well. Commissioner Roper suggested to get a price list of what it would cost to enclose the building. He also suggested applying plywood in the building to save the insulation that is already there. Mr. Penney suggested putting in styrofoam bead board on the ceiling of the arena. He said that they already applied plywood on one side of the building and could continue that around the rest of the building.

Mr. Penney said that the amount charged for events held at the facility is a very low amount for the services that they receive. He thinks that the County should at least recoup the money for the cleaning, the fuel and the time spent getting the facility ready for use.

Commissioner Withers said that the County should really be consistent on what it charges for recreation on both sides of the County.

Attorney Waddingham asked Mr. Penney if he ever received a new contract to replace the Seimens contract. Mr. Penney said that he has not received it yet, but Seimens is going to submit a proposal to replace the panel at the pool, and also wants to submit a cheaper contract option. Mr. Penney informed Seimens that they could bid on the panel replacement, but he does not want to enter into another maintenance contract with them.

The commission discussed reviewing the fee schedule and the cost to maintain the equestrian parks on both sides of the County and to possibly create a new fee schedule.

Commissioner Smith met with representatives with Mental Health. They were presented with their independent audit which did not show any significant findings. Commissioner Smith will follow up with them on the amount of space they will need.

Commissioner Smith attended a Utah Counties Indemnity Pool meeting. He was not successful in being appointed as a board member.

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.

ADMINISTRATION MEETING WITH ALL ELECTED OFFICIALS AND DEPARTMENT HEADS

The Commission held an administration meeting with all elected officials and department heads after adjourning commission meeting.

WHERE UPON THE MEETING ADJOURNED

Commissioner Withers made a motion to adjourn the meeting.

Commissioner Roper SECONDED the motion. The voting was unanimous and the meeting adjourned at 12:16 p.m..

Attest: _____

Approved: _____