

MINUTES OF BOARD OF COUNTY COMMISSIONERS  
MILLARD COUNTY THE 26th DAY OF MARCH 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: Julian Finlinson, John & Marilou Heath, Melanie Slavens and  
Kelly Swallow..... Citizens  
Brian Whipple, Farrel Marx and Chet Ludlow..... Central Utah Counseling

Note: Not all agenda items were followed in order.

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 repeated a quote he heard from his father: "Never spend more than you make". Commissioner Roper said the invocation. Everyone stood and said the Pledge of Allegiance to the Flag.

APPROVAL OF MARCH 12, 2013 COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held March 12, 2013 were presented for consideration and approval. Commissioner Roper made a motion to approve the minutes of March 12, 2013, as presented.

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

## FOLLOW UP ACTION ITEMS FROM MARCH 12 , 2013

The mag chloride bid was awarded to Dust Busters, who was the lowest bidder.

## AUDITOR'S REPORT

Auditor Grace was contacted by Matthew Cramer from the Central Utah Food Sharing. He asked if the County would be able to provide any funding to help the Central Utah Food Sharing. The Commissioners will contact Mr. Cramer to get more information before a decision will be made.

## POSSIBLE APPROVAL OF HARDSHIP ABATEMENT APPLICATIONS

There was none.

## POSSIBLE BOARD OF EQUALIZATION (BOE) DISCUSSION AND OR ACTION

Commissioner Withers made a motion to enter into a BOE.

Commissioner Roper SECONDED the motion. The voting was unanimous and the motion carried. The BOE began at 10:10 a.m..

Auditor Grace presented a property tax exemption application from the Snow College Foundation. Commissioner Smith said that the property in question was donated to the Snow College Foundation.

Auditor Grace explained that the Snow College Foundation is an organization that was set up to help with scholarships for Snow College.

Attorney Waddingham said that the Snow College Foundation is a 501(c)(3) organization separate from Snow College and does not have the same rights and protection as a college or university.

This item was tabled until later in the meeting.

Commission Roper made a motion to close the BOE.

Commissioner Withers SECONDED the motion. The voting was unanimous and the motion carried. The BOE ended at 10:17 a.m..

Later, Commissioner Withers made a motion to enter into a BOE.

Commissioner Roper SECONDED the motion. The voting was unanimous and the motion carried. The BOE began at 10:40 a.m..

Attorney Waddingham read the statute and said that the Snow College Foundation property may have been considered as exempt if the property was in the name of the college instead of the foundation. He read a provision in the statute regarding exempt properties which states that property owned by a non profit entity is exempt from taxation if it is used exclusively for religious, charitable

or educational purposes. He said that they would need to comply with the use requirement of the statute.

Commissioner Roper made a motion to deny the request for exemption on Snow College Foundation's property.

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

Commission Withers made a motion to close the BOE.

Commissioner Roper SECONDED the motion. The voting was unanimous and the motion carried. The BOE ended at 10:46 a.m..

#### RATIFY THE SIGNING OF THE ENGAGEMENT LETTER WITH LARSEN AND COMPANY FOR THE COUNTY'S AUDIT

Commissioner Withers made a motion to ratify the signing of the engagement letter with Larsen and Company for the County's audit.

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

#### RATIFY THE AGREEMENT WITH THE USDA FOREST SERVICE WITH THE COUNTY ROAD DEPARTMENT

Commissioner Roper made a motion to ratify the agreement with the USDA Forest Service for the County Road Department.

Commissioner Withers SECONDED the motion. The voting was unanimous and the motion carried. \*need copy\*

#### DISCUSSION AND POSSIBLE APPROVAL OF A BUSINESS LICENSE FOR JUNIPER HOLLOW OUTDOORS - OWNER, THEODORE C. RECUPERO

A business license application was presented for Juniper Hollow Outdoors, a scuba training business. After review of the application and finding all the signatures in order, Commissioner Roper made a motion to approve the business license for Juniper Hollow Outdoors - owner Theodore C. Recupero.

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

#### REAPPOINTMENT OF MEMBERS FOR THE MILLARD COUNTY WATER CONSERVANCY DISTRICT BOARD

Commissioner Roper made a motion to reappoint Fred Tolbert, Unit 1; Ladd Holman, Unit 2; Mike Christensen, Unit 3; Clayton Jeffery (Chairman), Unit 4; Clay Cummings, Unit 5; Glade

Stevens, Unit 6; Doyle Mitchell, Unit 7; Dean Hayward (Secretary Treasurer), Unit 8; and Leo Stott (Vice Chairman), Unit 9 to the Millard County Water Conservancy District board.

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

## TREASURER'S REPORT

Treasurer Hansen presented the Commission with the 2012 TC 750 report. He said that he prepares this report for the State Tax Commission at the end of each year. The report shows the various tax values for all of the taxing entities in Millard County, the taxes charged and collected, the tax relief, and other collections that would be similar to tax collections, and the total distribution for those entities.

He sent an email to all the taxing entities that he had email addresses for informing them that they could view their values and collections for the County, by going to [www.taxrates.ut.gov](http://www.taxrates.ut.gov).

He went over the report with the commissioners.

Treasurer Hansen received a letter from the US Department of Interior regarding the payments the County received from Natural Resources on Mineral Leases. He said that the letter is informing the County that due to the sequestration the County will be getting less money. Treasurer Hansen questioned the letter because it showed that the County received \$39,000.00 in 2012 and because of that the sequestered amount was \$204,000.00 on the mineral revenue.

Treasurer Hansen said that his guess was that the allocation was \$2,158.74 and they were going to take away \$432.00 a month from that amount. He was not sure because the letter was not very clear. He said that the amount the County receives has consistently gone down over the last few years.

Treasurer Hansen discussed the upcoming tax sale which is scheduled for May 30, 2013. He said that in the past the commissioners allowed him to remove property from the tax sale if it is the first time the property has been listed for tax sale, and the property owner pays at least half of the taxes owed, and promises to pay the balance off before the next year's taxes are due. He asked whether the Commission would allow him to continue this practice. The commissioners agreed to continue with this practice for this year.

Treasurer Hansen asked Attorney Waddingham if he was able to find out if the bankruptcy of Alec 4, LLC had ever been discharged. He will get back to Treasurer Hansen with that information.

## DISCUSSION AND POSSIBLE APPROVAL OF THE COUNTY SEAT SPONSORSHIP AGREEMENT

Commissioner Smith said that the County only budgeted half of the requested amount and will only pay the amount budgeted. Attorney Waddingham said that he had some concerns with the terms on the second page of the agreement. He read those terms. He questioned why the language is even in the agreement.

It was suggested to have the language that Attorney Waddingham had concerns with removed from the agreement. Attorney Waddingham advised the Commissioners to ask the County Seat program representatives to strike that language from the contract.

Commissioner Roper said that he is concerned with the amount of the contract. He would like a breakdown of how the County's money is spent and to also find out if this program receives tax incentives from the State.

Commissioner Smith will contact the County Seat to discuss the concerns discussed. This item will be discussed at a future commission meeting.

#### DISCUSSION AND POSSIBLE APPROVAL OF THE COUNTY PARTICIPATING IN THE WESTERN COUNTY ALLIANCE PROGRAM

Commissioner Withers did some research on the program and feels that the message that the program is trying to send is a good message and he feels that it should be shared.

Commissioner Withers made a motion to approve the County participating in the Western County Alliance Program's bronze membership in the amount of \$1,000.00 for one year. The \$1,000.00 will come out of the Public Land line item.

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

#### DISCUSSION AND POSSIBLE APPROVAL OF A CONTRACT WITH EZ TICKETS LIVE

Commissioner Withers said that the commissioners met with EZ Tickets Live. He said that he was impressed with the structure of the company and feels that it would be a good benefit to the County. This company will be able to handle online ticket sales for every county activity. EZ Tickets Live will charge about 2.5% to 3% plus a \$.35 fee per transaction for their services.

Attorney Waddingham had some concerns with some of the language in the contract. It was decided to clean up the contract and send it back to EZ Tickets Live for review and to bring this back to a future commission meeting for possible approval.

#### DISCUSSION AND POSSIBLE APPROVAL OF PURCHASING PROPERTY FOR THE SOCCER FIELDS IN FILLMORE

Commissioner Roper said that Thayne Henrie, Road Supervisor, has been unable to get out to inspect the property or to do any work on the property. Commissioner Roper suggested to approve the purchase of the property pending Mr. Henrie's determination if the property is feasible for the soccer fields.

Commissioner Roper made a motion to approve purchasing the property for the soccer fields in Fillmore in the amount of \$25,000.00, pending the recommendation from Thayne Henrie that the property is feasible. The \$25,000.00 will be taken out of the Capital Fund.

Commissioner Withers said that the County only budgeted \$20,000.00 for the soccer fields but suggested that the County move forward with the completion of the project this year if they can find the revenue.

Commissioner Roper withdrew his motion.

Commissioner Withers made a motion to purchase the property for \$25,000.00 and to move forward with the project to get it completed this year.

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

#### DISCUSSION REGARDING OFFICE SPACE AT THE COUNTY SATELLITE OFFICES IN DELTA

Commissioner Smith said that the commission and the Delta Office staff have been discussing office space at the Satellite offices in Delta. Commissioner Smith discussed several options of moving around and making more space at that building to provide office space for the county attorney.

Commissioner Smith said that they also discussed that the Millard County Justice Court in Delta will now only be a payment drop off. Only checks and money orders will be accepted; no cash will be accepted at this location. All payments will be forwarded to the Millard County Justice Court in Fillmore for processing.

#### OPENING OF THE PROPERTY BIDS FOR PARCEL # MA2374-2

Commissioner Withers explained that this property is basically a flood plane and Spence Buttler asked the County if he could purchase the property since it is next to his property. The property up for bid is 3.75 acres.

Auditor Grace said that the bid was advertised in the paper March 13 and March 20. There was only one bid received.

Auditor Grace opened the following bid:

- Spence Butler; \$200.00 per acre

The bid presented was a fair bid amount based on market value for the property.

Commissioner Roper made a motion to accept the bid as presented and to execute a deed to Mr. Butler.

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

Commissioner Roper made a motion to approve the commission chair to sign the quit claim deed upon receipt of Mr. Butler's payment.

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

#### DISCUSSION REGARDING JULIAN FINLINSON'S PROPERTY TAXES, PARCEL #D-912

Mr. Finlinson explained his situation as to why he is delinquent on his property taxes. He asked if he could get some relief on the amount due, based on the correct classification for the use of the property. He said that he is willing to pay the penalties and interest since he did not pay the taxes on time.

Commissioner Roper made a motion to reduce the tax burden on Mr. Finlinson's property by \$2,239.53 contingent on findings and review and to make sure that the decision is in line with what the Commission has done in the past.

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

Treasurer Hansen was given permission to remove this property from the tax sale.

#### PRESENTATION REGARDING THE UTAH NATIONAL GUARD (UTNG) COMMUNITY COVENANT PROGRAM - CHAPLAIN DAVID JONES

Chaplain David Jones gave a presentation and showed a video regarding the Utah National Guard Community Covenant Program. He said that the mission of the Utah National Guard Community Covenant Program is to foster and sustain formal, continuing relationships with communities in order to increase the quality of life, well-being, and readiness of service members/veterans and their families. He went over the impact, goals, signing ceremonies and local level participation.

He named a few of the cities in Millard County who have already signed up for this program. He also said that there are other cities within the County who are potentially going to sign up for the program as well.

Commissioner Roper said that he feels that it is a great program. Commissioner Smith said that he too thinks that it is a good program.

This item will be discussed further and a possible decision will be made at the next commission meeting.

#### PRESENTATION REGARDING THE MISS MILLARD PROGRAM - KELLY SWALLOW

Kelly Swallow said that she was approached by Lauri Matthews regarding the Miss Millard program. She said that she does not want to see the program die and is willing to become the new director of the program.

Commissioner Smith explained that the pageant takes a lot of work and there is a process which the program has to follow. He also said that the County did not budget for the Miss Millard

Program this year.

Ms. Swallow presented the Commission with a cost breakdown that she made based on past pageants. She would like to see this program continue beginning this year which will include Miss Outstanding Teen and Little Miss Millard. She would really like to take these girls to Miss Utah.

Melanie Slavens said that there should be more focus on scholarship money for the girls. She also said that this opportunity is a life changing experience for these girls to get out on a state level and see what other girls are doing to better their communities.

Commissioner Withers made a motion to support revitalizing the Miss Millard Program for Millard County, to appoint Kelly Swallow as the Director, and to look into options for funding the program for this year.

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

Commissioner Smith said that the County has certain policies of how the money is handled and suggested that Ms. Swallow meet with Auditor Grace to find out the policies.

Commissioner Roper said that he appreciates these ladies for their willingness to take on this project.

#### INDEPENDENT AUDIT, CENTRAL UTAH COUNSELING CENTER - BRIAN WHIPPLE AND FARRELL MARX

Brian Whipple, Director of the Central Utah Counseling, presented the Independent Audit to the Commission.

Ferrel Marx, CFO Central Utah Counseling, went over the audit. He said that there were no findings in this year's audit. He directed the commission to look over the balance sheet which covers the assets, liabilities and fund balances. He also went over the revenues, expenditures and changes in fund balances.

Mr. Whipple went over a graph which represents Central Utah Counseling Center's in patient spending since 2007. He said that every year they negotiate the premium rate with Medicaid and they will use these figures to negotiate a higher rate.

Mr. Marx said that during this year's legislature they approved an amount of funding that would need to be matched by the counties.

Commissioner Smith said that the Central Utah Counseling is trying to send fewer patients to the state hospital because it costs a fortune. They set up a private clinic in Mt. Pleasant to send patients instead. All of the staff is on call to help stabilize those patients to avoid sending them to the state hospital.

Mr. Whipple discussed the Department of Justice investigation on the State of Utah Public Mental Health System. He said that this investigation is based on patients 21 years of age and



younger. The Department of Justice has already met with four mental health centers. He said that the Department of Justice could contact each county directly.

Mr. Marx said that they are unsure as to what triggered the investigation or why they are focusing on that age group.

Chet Ludlow, Team Leader Central Utah Counseling Center, discussed a training for law enforcement to handle certain situations regarding people with potential mental health needs. This training will be held in Juab County April 17, 2013 from 8:30 a.m. to 3:00 p.m..

## PUBLIC INPUT

There was none.

## OTHER BUSINESS

Clerk Brunson presented a disclosure statement received from Orvil John Orullian.

Commissioner Withers said that the County received a grant and a loan for the construction of a new public health building in Fillmore. He said that they have the plans, the property and the design. He wondered where they will go from here. He questioned what they will be doing with the building that is currently on the property on which the new building will be built. There was discussion regarding moving that building off of the property to a different location. They discussed placing an add in the paper to get the process going.

Commissioner Roper said that at the last commission meeting the commission was presented with a cell phone allowance request for Travis Archibald who works with East Millard Maintenance. Commissioner Roper said that he sees the advantage for Mr. Archibald having a cell phone while out in the field.

Commissioner Smith said that most employees have cell phones already and he questions how much the phone is being used for County business and is it enough to justify the stipend.

Commissioner Withers suggested to look at the amount the phone is being used for County business. He also suggested to maybe change the amount of the stipend to \$20.00.

The commissioners would like to get some more information and discuss this further.

Attorney Waddingham said that he received a packet from IHC requesting reimbursement from 2008 when IHC and the County terminated their agreement on the care center. The commission discussed the process that the County went through with IHC when they terminated the contract. Attorney Waddingham said that all reimbursement issues were to be resolved and finished within 180 days from the termination of the agreement. The 180 days had passed before IHC had raised this issue again.

Auditor Grace said that there were direct disagreements between what IHC is claiming happened and what she has on file that happened.

Commissioner Smith suggested to get the history together and write a letter and send it to

IHC.

Attorney Waddingham presented the commission with an amendment to Irrevocable Letter of Credit for First Wind Utah Holdings, LLC. It is required in the CUP, issued to First Wind, that a copy of the letter of credit be filed with the County Clerk's Office.

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

Commissioner Withers and Commissioner Roper had nothing to report at this time.

Commissioner Smith and Commissioner Roper spent the day with the governor at West Desert High in Eskdale. Commissioner Smith said that he appreciated the time the governor took to come and listen to the citizens.

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 Withers made a motion to adjourn the meeting.

Commissioner Roper SECONDED the motion. The voting was unanimous and the meeting adjourned at 12:45 p.m..

Attest: \_\_\_\_\_

Approved: \_\_\_\_\_