

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 2nd DAY OF APRIL 2013
AT THE COURTHOUSE, FILLMORE, UTAH

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

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

EXCUSED: Norma Brunson..... County Clerk

ALSO PRESENT: Brandon Anderson, David R. Pace,
& Don Probert..... Utah Association of Conservation Districts
Robert Dekker..... County Sheriff
Del Barnhurst..... US Forest Service
Doyal Mitchell, Randy Coats & Leo Stott..... Millard Conservation District
Rick Smith & Kevin Knight..... Delta Conservation District
Lars Rasmussen..... US Department of Agriculture - Natural Resources Conservation Services
James C. Peirson..... Millard Recycle Committee
Kary Kesler & John & Marilou Heath..... Citizens

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

APPROVAL OF MARCH 26, 2013 COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held March 26, 2013 were presented for consideration and approval. Following review and consideration of minor corrections, Commissioner Withers made a motion to approve the minutes of March 26, 2013, pending any recommended corrections from the County Attorney.

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

FOLLOW UP ACTION ITEMS FROM MARCH 26, 2013

There were none.

DISCUSSION AND POSSIBLE APPROVAL OF THE COUNTY SEAT SPONSORSHIP AGREEMENT

Commissioner Smith said that the County already committed this year for half of the sponsorship and three episodes for the County have already been aired.

Commissioner Roper made a motion to approve the County Seat Sponsorship agreement in the amount of \$21,000.00.

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

DISCUSSION AND POSSIBLE APPROVAL OF A CONTRACT WITH EZ TICKETS LIVE

Commissioner Withers made a motion to table the approval of the contract with EZ Tickets Live.

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

AUDITOR'S REPORT

Treasurer Hansen and Auditor Grace discussed their concerns with how the Millard County Justice Court offices in Delta would get payments to the Millard County Justice Court office in Fillmore. It was discussed that inter office courier is not a recommended method of transporting the payments. It was suggested to not have the Delta office accept payments, but to instead provide envelopes for the payer to send his/her payments directly to the Millard County Justice Court office in Fillmore. Commissioner Roper will contact Judge Deb Haveron to discuss this option.

Treasurer Hansen said that they are in the process of doing the tax sale and he asked the Commission to find some time to go over the list before the sale takes place.

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 and discussed the record of property taxes collected and distributed for the month of March.

Commissioner Smith questioned why the Water Conservancy District was not on the list. Treasurer Hansen said that it is not listed because it is not an authorized taxing entity within Millard County therefore, does not receive any tax funds from the County. Millard County has not financially contributed to the Water Conservancy District for many years.

The County contributed a fairly large amount several years ago to a program the District was involved in called "cloud seeding". The District was supposed to use the interest from that money to fund the program.

Since that time the County has not had any financial dealings with the District. Currently the District is not approved to assess a tax or to receive finances from the County.

OTHER BUSINESS

Commissioner Roper discussed what would need to be done to make Linda Gillmor's position as the Millard County Economic Development a full-time position. It was decided to discuss this issue at the next commission meeting.

Commissioner Roper said that the Fillmore Chamber asked to use the Millard County Jail crew to help with a community service project. Commissioner Roper will discuss this with Sheriff Dekker.

Commissioner Withers said that the County donated eight laptops to the Community First Program in Delta. He said that they really appreciated the County for donating the laptops.

Commissioner Withers expressed his appreciation to Richard Beckstrand, IT, for getting those laptops ready for donation in a timely manner.

Commissioner Withers said that the Road Department needs to replace an employee. An application was received from a former part-time Millard County employee. It was suggested to review the County Policy and then make a decision.

Kary Kesler said that he has some property located south of town and in order for the property to be considered as green belt status it would need to be grazed. Mr. Kesler has gone through a lot of different scenarios and it seems that two cattle guards will be the best way to allow the property to be grazed. He said that there are two county roads that run through the

property. Mr. Kesler presented a map of the property and discussed it with the Commission. He asked if the County would be willing to help with the purchase of the two cattle guards. The cost of the cattle guards would be \$8,000.00.

The Commissioners and Mr. Kesler went over the prices and options of placing the cattle guards. They also discussed the cattle guards with Del Barnhurst, Forest Service.

The Commission suggested to talk with Thayne Henrie, Road Supervisor, to see what he thinks the costs may be for placing the cattle guards, and will get back to Mr. Kesler at a later date.

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 13-04-01, A RESOLUTION SUPPORTING THE UTAH NATIONAL GUARD COMMUNITY COVENANT PROGRAM

The Commission discussed people who they would possibly appoint as a representative for the County on this program. It was decided to adopt the resolution and then appoint a representative at a later date.

Commissioner Withers made a motion to approve Resolution 13-04-01, a Resolution supporting the Utah National Guard Community Covenant Program.

Commissioner Roper SECONDED the motion. Deputy Clerk Rowley 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.

DISCUSSION REGARDING RECYCLING OPTIONS IN MILLARD COUNTY - JAMES PIERSON

James Pierson presented the Commission with a handout for recycling options in Millard County. He asked that the commissioners read the first page of the handout.

Mr. Pierson said that the citizens council will be meeting for the first time tonight. They already met with Delta City, who admitted that they are part of the problem, but also said that it is a county wide problem. Mr. Pierson said that if there are going to be intelligent solutions they need to have citizens and the commissioners work together. He said that there is information in the packet handed out from Sandy City, Draper City and Five County Recycling, which works with Beaver County. He said that the ideas are there but nobody is taking any action.

Mr. Pierson gave examples of why he feels that the County should have a recycle program. He said that he thinks that by recycling the County and Cities could save a big chunk of money on landfill costs. He said that there are other areas of the State who have a successful recycling program.

Commissioner Smith said that the County has discussed this idea in the past. He said that from time to time the County has people come in and request to privatize the landfill, but the Commission feels that the landfill management is the County's responsibility.

The County provided Mr. Pierson with a copy of the County's Landfill budget. Commissioner Roper said that it is an obvious problem the County is facing and he appreciates

Mr. Pierson's interests in trying to benefit the County's environment.

Mr. Pierson said that the landfill has come a long way from what it was years ago.

Commissioner Withers said that he was approached by a citizen who is interested in helping the County with the mortalities (dead animals) by composting them and using them for fertilizer. Commissioner Withers will have that citizen contact Mr. Pierson.

FOREST SERVICE UPDATES INCLUDING THE CLAY SPRINGS FIRE - DEL BARNHURST

Del Barnhurst, US Forest Service, updated the Commission on what has been going on and what has been done by the Forest Service. He said that last fall they were able to get all of the seeding, the chaining and the straw mulch done as well as some trial work. He said that they seeded between 18,000 and 19,000 acres to grasses after they had done the wheat first.

Mr. Barnhurst said that last week they held their pre-bid meeting with the contractors for the road work, the water crossing and the up-sizing culverts.

He said that they had the largest turnout of contractors on this project than on any other project. These projects will be completed sometime this summer along with some stream channel work.

Mr. Barnhurst said that most of the roads will be closed to public access most of the summer, while these projects are being completed. As soon as they feel that it is reasonably safe to allow access he will let the County know.

Commissioner Roper asked if they have a handle on the flood potential, or if there is still a concern. Mr. Barnhurst explained that there still is a great concern. He said that the rain storms will be the biggest threat. He said that they are trying to get the vegetation back up but it usually takes a few years to get the roots established.

Mr. Barnhurst said that an early alert weather station was approved, but has not been established yet. They will have a meeting hopefully within the next month or two so they can get the station up and running.

Mr. Barnhurst also discussed grazing and permittees. He said that they have met with the permittees. He informed them that Forest Service policy is that the burned area needs two years of rest after a fire.

Mr. Barnhurst said that they will be doing a lot of work this summer. The Forest Service is going to have a refresher course on the Wild Land Fire Decision Support System, as well as a Risk Management training on May 29, 2013 in Richfield, Utah.

He said that the Forest Service appreciates the input the County has given.

Commissioner Smith said that the County also appreciates the work the Forest Service

has done.

Mr. Barnhurst said that they are also working on landscape architect for the Forest Service to try and improve the Ponderosa area.

Mr. Peirson asked if there was a chance to get the youth to help with the fencing or perhaps the jail crew to get it done more efficiently. Mr. Barnhurst explained that they have done some of those things in the past. There are church, scout and school groups that have helped in the past. Groups could help on repairing some of the fences that are down.

PUBLIC INPUT

There was none.

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

Sheriff Dekker said that the defensive driving course requirements have changed. It is now required that a new video be shown which the County has had to rent each time the course is offered. He said that the County has already spent around \$250.00 this year alone renting the video and suggested that the County purchase the video for \$750.00 to save future rental costs.

The Commissioners agreed that buying the video would be more cost efficient, than to continue renting it.

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.

PRESENTATION BY MILLARD COUNTY SOIL CONSERVATION BOARD

Dave Pace, Conservation District, said that he appreciates the commissioners who come to the Conservation meetings. He said that a couple of years ago Commissioner Leonard Blackham, chairman of the Utah Conservation Commission, which is the local umbrella authority of the local conservation districts, asked the districts to do a natural resource assessment of each of their counties, and to use the assessment as a tool to correlate with the County governments and other local entities to get the most bang for the buck. In 2008 they did a public opinion survey to determine what the citizens of Millard County thought were their most important natural resource concerns.

Mr. Pace discussed the following:

- Millard County Resource Assessment, Executive Summary
 - Why a Resource Assessment
 - Natural Resource Priorities and Concerns
 - General Resource Observations
- Introduction
 - The Conservation District Movement
 - Conservation Progress
 - Public Outreach
- Millard County Overview
 - Background and Landownership
- Natural Resource Priorities and Concerns
 - Water Quantity, Quality & Irrigation Efficiency
- Natural Resource Priorities and Concerns
 - Invasive Plants and Weeds
 - Loss of Open Space for Agricultural Lands
 - Marketing for Agricultural Products
 - Soil Erosion/Soil Condition
- General Resource Observations
 - Soil - Water - Air & Climate - Plants - Animals - Humans
- Reference & Credits

The presentation in its entirety is on file for review at the Clerk's Office.

Mr. Pace said that a year ago the Millard County Commission passed a resolution that really made a difference. He said that he really appreciates the County's support. He said that there are a few issues that they are trying to work through and he believes that working together is the best thing.

Commissioner Withers expressed his appreciation to the Conservation District members. Commissioner Smith clarified that the Conservation District is going to be hiring someone to continue to work around town on conservation projects the citizens may have.

Mr. Pace said that it is a text book answer of local governments coming together to make it happen. He said that fortunately they have had some NRCS money come in to help with the Conservation Districts.

Commissioner Smith said that if there is anything that the County can do to help just let the Commission know.

Don Probert said that he is on the UACD Board and they meet with the commission of agriculture. He said that some of the other counties have not ever had a commissioner attend one of their meetings. He said that the agriculture people are aggressive and want to improve, and are proud to have the Millard County Commissioners' support.

Commissioner Smith said that he appreciates the relationship with the NRCS as well.

OTHER BUSINESS CONTINUED

The commissioners, Assessor Manis, Treasurer Hansen, and Auditor Grace discussed the property of Julian Finlinson, which was presented at the last commission meeting.

Assessor Manis said that Mr. Finlinson called him and asked for assistance. He explained the document that he prepared for Mr. Finlinson and what he had told Mr. Finlinson.

Commissioner Smith questioned if the assessed value amount was calculated wrong, an assessor's error or if something was missed. Assessor Manis explained that it was not calculated wrong or due to an assessor error, it was because Mr. Finlinson did not report the change in use of the property.

This issue was discussed at length and similar situations were discussed for reference. Commissioner Smith suggested to deny the request to reduce Mr. Finlinson's taxes at this time to be consistent with what has been done in the past. .

Commissioner Roper made a motion to deny the request for deduction on Julian Finlinson's property taxes and require him to pay the full amount owed plus penalties and interest.

The motion died for the lack of a second motion.

Commissioner Withers said that Mr. Finlinson represented that he had not been using the home as a business and there is no way of proving his claim. He said that he wants to make sure that the commissioners are fair to all of its citizens and does not know if he would second a motion to deny Mr. Finlinson's request based on fairness when he is not present, because of the motion made last week.

Auditor Grace said that she sympathizes with Mr. Finlinson but she also sympathizes with all the other people who missed the deadline and were told to bring it up at the next BOE. She said that this issue is a BOE issue not an assessor's error. She said that she wants to be fair to those who were turned away and had to pay the full taxes.

Commissioner Withers said that he feels that the Commission should at least invite Mr. Finlinson back before making a decision.

Treasurer Hansen said that Mr. Finlinson is claiming that the property is residential property but Mr. Finlinson's current address is not in Delta. If he did not have someone living on the property and using it as a primary residence the value would stay the same whether it was commercial or non primary. The exemption does not come into play unless the property is considered a primary residence.

Treasurer Hansen said that he feels that the motion made at the last commission meeting led Mr. Finlinson to believe that some of his taxes would be abated. He does not personally feel comfortable calling Mr. Finlinson and telling him that now he has to pay the entire amount.

Auditor Grace said that in the past the Commission has removed penalties and interest on parcels that were paid before the current taxes came due. She would feel better if the Commission would give him relief on the penalties and interest rather than relief on his taxes.

Commissioner Smith said that he is in favor of waiving the penalties and interest if Mr.

Finlinson would pay his delinquent taxes before the current year's taxes come due.

Treasurer Hansen presented the commission with Mr. Finlinson's tax information.

Commissioner Withers made a motion to table this issue until the next commission meeting and to invite Mr. Finlinson to come back in for further discussion and to remove the property from the property tax sale list.

Commissioner Smith stepped from the chair and SECONDED the motion. Commissioner Withers voted YES. Commissioner Roper voted NO. Commissioner Smith voted YES. The motion carried.

Commissioner Roper said that he does not think that Mr. Finlinson needs to be present for a decision to be made.

After more discussion, Commissioner Withers made a motion to rescind his motion. Commissioner Roper SECONDED the motion. The voting was unanimous and the motion carried.

Commissioner Withers made a motion to have one of the commissioners contact Mr. Finlinson to discuss other options other than appearing in front of the Commission on April 16, 2013 and to offer that if Mr. Finlinson will pay his delinquent taxes current before October the Commission will waive penalties and interest, which is consistent with what it has done in the past. If Mr. Finlinson accepts this offer then the Commission will waive penalties and interest per a motion. If he does not accept this offer, he would be invited back to the April 16, 2013 Commission Meeting.

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

Auditor Grace discussed centrally assessed property owned by Jason Brunson. Mr Brunson is partially represented by his accountant Jacob Robinson. They missed the deadline to file an appeal on the value that the State put on their mining operation. The Commission discussed whether this issue would be a BOE issue or a commission issue.

After discussion it was decided that this issue would be a commission issue and Mr. Brunson and Mr. Robinson would need to contact the Clerk's Office to be placed on the agenda.

Commissioner Roper asked Attorney Waddingham if there is anything that needs to be included with the bid for the swimming pool roof.

Attorney Waddingham named a few items that would be required to be included with a bid.

Commissioner Withers said that the County needs to come up with some kind of commitment for the gymnasiums before the School Board meeting on Thursday. He said that the Commission expressed in the past that it is willing to help keep those buildings from being torn down. Fillmore City has also expressed its interest in keeping those buildings.

Commissioner Roper suggested to talk to the School Board to see if they will keep the

buildings insured under its umbrella, but to allow the County to take on the financial responsibility of the buildings on a year to year lease option. If it does not work out, then the County would be willing to cover half of the demolition costs.

Commissioner Smith said that he does not want to take the financial responsibility of saving the buildings and then having to financially help with the demolition. He feels that the County would be fully obligated financially and he does not think that it is worth the risk.

Commissioner Roper suggested to make a decision soon so they can put this issue to rest.

Commissioner Withers said that he would like to approach the School District with the fact that the buildings remain on School District property and the School District carry the liability and be responsible for the demolition process. Also, to have the County Recreation department be in charge of scheduling the buildings, with school activities taking priority.

Commissioner Withers made a motion to meet with the Millard School District to answer any questions and to make a financial decision which is that the County is willing to take on all financial obligations, as far as utility costs, for the two buildings, but will request that the buildings be kept under the School District's insurance umbrella, and that the County will take charge of scheduling those buildings, with school activities taking priority. This will be offered based on a year to year lease option, and if in a year or two it becomes a financial burden the County will split the demolition costs 50/50 with the School District.

Commissioner Roper SECONDED the motion. Commissioner Roper voted YES. Commissioner Withers voted YES. Commissioner Smith voted NO. The motion carried.

Commissioner Smith said that the Commission will be having a conference call with Governor Herbert regarding Snake Valley Water and hopefully a decision will be made tomorrow on whether to sign the agreement or not.

Commissioner Withers spoke with Superintendent Styler about possibly purchasing a piece of property located south of the bus garage in Fillmore. The County is interested in possibly building its new public health building on this property. Superintendent Styler informed him that when the County is ready to make a proposal on the property, to meet with the School Board.

WHERE UPON THE MEETING ADJOURNED

Commissioner Roper made a motion to adjourn the meeting.

Commissioner Withers SECONDED the motion. The voting was unanimous and the meeting adjourned at 12:58 p.m..

Attest: _____

Approved: _____