

MINUTES OF BOARD OF COUNTY COMMISSIONERS  
MILLARD COUNTY THE 4th DAY OF JUNE 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: Dean Draper..... Chronicle Progress  
Sheryl Dekker..... County Landfill  
Lindsay Mitchell..... County Sheriff's Office  
Jacob Robison & Jason Brunson..... Citizens

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.

POSSIBLE CLOSED MEETING PURSUANT TO UTAH CODE ANNOTATED SECTION 52-4-204 & 205

There was none.

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.

Commissioner Smith explained that the closed session that was listed on the agenda for 9:30 a.m. this morning did not take place, due to there being no need for a closed session.

APPROVAL OF MAY 21, 2013 COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held May 21, 2013 were presented for consideration and approval. Following review and consideration of minor corrections, Commissioner Withers made a motion to approve the minutes of May 21, 2013, as corrected.

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

#### FOLLOW UP ACTION ITEMS FROM MAY 21, 2013

Commissioner Roper reported that he spoke with Del Barnhurst, with the Forest Service, regarding the ATV access on the road up Oak City Canyon. Mr. Barnhurst informed him that the Forest Service is pretty set on those road closures, but as soon as they open the roads they will look into the issue again.

Commissioner Roper also met with Linda Gillmor, Millard County Economic Development Director, who was recently hired full-time with the County.

Commissioner Roper clarified that Commissioner Withers will also be attending the NACo Conference in Dallas Fort Worth, Texas, July 19 through July 22, 2013. The minutes from May 21, 2013 only acknowledged that Commissioner Roper and Commissioner Smith would be attending that conference.

Commissioner Withers reported that he spoke with Thayne Henrie, Road Supervisor, regarding the possibility of adding flashing lights to the stop signs on the road at the Flowell intersection. Mr. Henrie informed him that the road is a state road that intersects with a county road. He suggested that the County contact a State Road representative regarding this issue.

Commissioner Withers said that the price of the flashing lights will cost around \$90.00 each. The commissioners agreed that if the State will not cover the costs associated with adding the flashing lights the County will, because it is a safety issue. Commissioner Withers will keep working on this issue.

Commissioner Withers also said that Shan Carling approached him regarding a 500 ton weight limit sign located on the Flowell road approximately 500 ft pass the intersection. He asked if that sign could be moved closer to the intersection so that his truck drivers will see the sign before going too far on the road. The commissioners will find out the requirements for moving that sign.

#### AUDITOR'S REPORT

Commissioner Smith said that the auditor, treasurer and assessor are all three attending a training in Salt Lake City, Utah.

Commissioner Withers asked whether the Auditor's Office received the Forest Service Contract, which was approved in a previous meeting, but was misplaced and needed to be re-signed.

Lynette Madsen, Deputy County Auditor, presented the contract to the Commission and

Commissioner Smith re-signed the contract.

#### POSSIBLE APPROVAL OF HARDSHIP ABATEMENT APPLICATIONS

There was none.

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

There was none.

#### TREASURER'S REPORT

There was none.

#### RATIFY THE APPOINTMENT OF AUDITOR GRACE AS MILLARD COUNTY'S DELEGATE AND COMMISSIONER ROPER AS THE ALTERNATE REPRESENTATIVE FOR VOTING AT THE NACO CONFERENCE

Commissioner Withers made a motion to ratify the appointment of Auditor Grace as Millard County's delegate and Commissioner Roper as the alternate representative for voting at the NACO Conference.

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

#### RATIFY THE MOTION TO RE-SIGN THE RIGHT-OF-WAY GRANT WITH BLM AND THE STATE OF UTAH, PENDING ATTORNEY WADDINGHAM'S REVIEW

Commissioner Withers made a motion to ratify re-signing the right-of-way grant with BLM and the State of Utah.

Commissioner Roper **SECONDED** the motion. The voting was unanimous and the motion carried. \*need copy (Smith)\*

#### RATIFY THE MOTION TO SUBMIT LINDA GILLMOR'S NAME TO SERVE AS THE MILLARD COUNTY ECONOMIC DEVELOPMENT PROFESSIONAL ON THE SNOW COLLEGE ADVISORY COMMITTEE

Commissioner Roper made a motion to ratify submitting Linda Gillmor's name to serve as the Millard County Economic Development Professional on the Snow College Advisory Committee.

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

#### DISCUSSION AND POSSIBLE APPROVAL OF A BUSINESS LICENSE FOR JENNER'S PLACE - OWNER, JENNIFER A. TOLBERT

A business license application was presented for Jenner's Place, a food service business. After review of the application and finding all the signatures in order, Commissioner Roper made a motion to approve the business license for Jenner's Place - owner, Jennifer A. Tolbert.

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

#### DISCUSSION AND POSSIBLE APPROVAL OF A CERTIFIED RECORDS OFFICER

Commissioner Smith said that Attorney Waddingham brought to the attention of the Commission that each County should have a certified records officer. He said that each department could have its own, or there could be one certified officer to represent the County as a whole. It was noted that the Clerk's Office has always been the designed records holder.

It was suggested to table this item until Attorney Waddingham could get more information regarding this issue.

#### REVIEW AND POSSIBLE ADOPTION OF THE REVISED EDITION OF ROBERT'S RULES OF ORDER HAND BOOK

Commissioner Smith suggested to table this item until the next commission meeting.

Commissioner Roper made a motion to table the adoption of the revised edition of Robert's Rules of Order handbook, as well as the approval of a certified records officer.

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

#### DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 13-06-04, A RESOLUTION OF THE MILLARD COUNTY COMMISSION AMENDING SECTION XXI OF THE MILLARD COUNTY PERSONNEL POLICIES AND PROCEDURES MANUAL BY AMENDING THE SECTION ENTITLED "PURCHASING POLICY"

Commissioner Smith said that the purchasing policy is not ready to be adopted yet. A draft of the purchasing policy will be sent to all of the elected officials for viewing before it will be adopted.

Commissioner Roper made a motion to table the approval Resolution 13-06-04, a resolution of the Millard County Commission amending Section XXI of the Millard County Personnel Policies and Procedures Manual by amending the section entitled "Purchasing Policy".

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

#### PUBLIC INPUT

Dean Draper, Chronicle Progress, said that the Snake Valley Festival will be held Saturday,

June 15, 2013, and the introduction of the Great Basin National Park Corridor will be held June 16, 2013. He said that this will be number 18 in the series.

Mr. Draper also said that the Snake Valley Water Hearing will be held Friday, June 14, 2013 in Ely, Nevada. Commissioner Smith said that UAC Attorney Mark Ward, Attorney Waddingham and at least one of the commissioners will be attending that hearing.

Commissioner Roper made a motion to take a 15 minute recess.

Commissioner Smith stepped from the chair and SECONDED the motion. The voting was unanimous and the motion carried. The meeting recessed at 10:36 a.m..

Commissioner Withers made a motion to reconvene the meeting.

Commissioner Roper SECONDED the motion. The voting was unanimous and the motion carried. The meeting reconvened at 10:53 a.m..

#### DISCUSSION REGARDING CLOSURE/POST CLOSURE COSTS FOR THE FILLMORE CLASS IVB LANDFILL - SHERYL DEKKER

Sheryl Dekker, Landfill, said that in 2008 the County applied for and received a renewal for the Class IV landfill in Fillmore, Utah. As part of the permit it was required that every five years the County would have an engineer prepare a cost estimate for post/closure for when the landfill needs to be retired.

Ms. Dekker asked Zane Pentz, Sunrise Engineering, for a cost estimate. The first estimate he submitted was very high. Ms. Dekker then pointed out to Mr. Pentz that out of the twelve acres of landfill, only five acres would ever be filled, because it is a ravine that is being filled laterally instead of digging trenches and filling them like the landfill in Delta. Mr. Pentz submitted a new cost estimate which is still more than what the County has in its reserve.

Ms. Dekker also contacted Todd Ramey with Geologic Associates for a second estimate. Geologic Associates is the company who did the original permit applications for both the Fillmore and Delta landfill back in 1995.

Mr. Ramey informed Ms. Dekker that the estimate she received from Sunrise Engineering is pretty comparable with what he would estimate. There would only be a few dollars difference.

Ms. Dekker said that the County only has \$75,643.00 in the PTIF trust fund with the State Treasurer's Office.

The closure costs are approximately \$80,437.00 and the post closure costs are \$109,471.00, leaving the fund balance short approximately \$114,200.00.

Commissioner Smith asked if the County could adjust the payment they make every year over time. Ms. Dekker said that she will find out if they will allow that.

Ms. Dekker said that there are some funds in the landfill budget but those funds are on reserve for depreciation of the landfill equipment. She said that she is concerned that if they use those funds they will not be able to replace or repair any equipment if needed.

Commissioner Smith said that the County has an enterprise fund, and an option would be to raise the landfill fee to generate more revenue. He asked what other options there might be.

Ms. Dekker said that Treasurer Hansen said that there is money in the Capital Expense Fund and suggested to use the money from that fund, together with the enterprise funds.

Ms. Dekker said that the last time landfill fees were raised was in 2005. It was raised from \$8.00 to \$11.00 a month.

Ms. Dekker said that the Landfill's annual budget is \$669,000, a year, and is on a pretty tight budget. She said that if the landfill fees were raised even a couple of dollars a month it would make a big difference.

Ms. Dekker said that she would prefer to use the funds in Capital instead of raising the fees. She will contact Matt Sullivan to see if this option would be available before moving forward.

Commissioner Roper said that he was approached by residents in Cove Fort regarding the possibility of getting a dumpster at Cove Fort. Ms. Dekker said that this would be something the County could do, but she warned the Commission that it would be a long haul to the landfill. She said that a fee would need to be charged to those residents to cover the costs associated with the use of the dumpster.

Commissioner Withers said that the county looked into this option a few years ago and wondered if Beaver County would be willing to provide the service since it is a closer haul to Beaver County.

Commissioner Roper asked Ms. Dekker about the possibility of changing the Fillmore landfill dates from Thursday to Monday. Ms. Dekker said that she has talked to Phil Lovell regarding this option and he said that it can be done, though he would prefer not to change the dates because everything is running smoothly at this point.

Ms. Dekker said that in regards to the request made by Mike Holt at a previous meeting, she does not think the County should compensate him for private hauling.

She said that Delta Garbage pays for every load that they deliver to the landfill and the County does not compensate them for anything.

She suggested to have them either haul it to the main landfill or to continue with the way they are doing it now.

Ms. Dekker will contact Matt Sullivan and the Commission will visit with Treasurer Hansen regarding the possibility of using funds from the Capital Expense Fund for the closure and post closure costs.

#### DISCUSSION AND POSSIBLE APPROVAL OF AMBULANCE ABATEMENTS - LINDSAY MITCHELL

Lindsay Mitchell presented an ambulance abatement from Matt Hoover. Mr. Hoover's total ambulance bill is \$865.83. Mr. Hoover is currently incarcerated. His wife's annual income is \$10,800.00 and they do not have any insurance. Their total debt owed, not including the ambulance bill, is \$3,800.00 plus a mortgage of \$780.00 a month.

Commissioner Withers made a motion to abate 100% of Mr. Hoover's ambulance bill, based on the Health and Human Service Poverty Guidelines, due to their income only being \$10,800.00.

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

Lindsay Mitchell presented an ambulance abatement from David Gingrass Sr. He has two ambulance bills totaling \$2,021.05. His income is \$21,600.00 annually and he does not have any insurance. His total monthly expenses are \$2,960.00. Mr. Gingrass has two dependants which he pays \$1,000.00 a month in child support. Mr. Gingrass has been making small monthly payments up until March of this year.

Commissioner Roper asked if Mr. Gingrass would be willing to continue to make monthly payments. Ms. Mitchell stated that she was unsure of what Mr. Gingrass would be willing to do.

Commissioner Roper made a motion to abate 75% of Mr. Gingrass's ambulance bill, based on income and to work out a payment plan to pay the balance.

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

## DISCUSSION AND POSSIBLE APPROVAL REGARDING JASON BRUNSON'S PROPERTY TAXES

Jason Brunson said that for the last two years he leased the Red Dome Mine. He said the first year he paid taxes in the amount of \$2,300.00. The second year the tax was \$15,000.00. He said that he was not aware of there being a property tax since the company he represents does not own property, but apparently the State taxes a part of your income for this tax.

Mr. Brunson said that when his accountant contacted the State, he was told to fill out the forms the best as he could. He said that later they received a bill for \$15,000.00. He noticed that a lot of his expenses were denied because the State said that those expenses were considered income.

He said that the account review shows that his net revenue was \$517,000.00, when actually his net revenue was only \$90,000.00 after expenses were deducted. He said he also received an additional bill from the County. He paid \$4,000.00 to stop the fees, then later he estimated that the actual amount should have only been around \$2,600.00. He went over the history of the past tax amounts on the mine with the Commission.

The Commission asked Mr. Brunson and his accountant Jason Robison questions as to what reasons the State gave for not allowing the expenses. Mr. Brunson and Mr. Robison explained their situation and what the State said and did during this process.

Mr. Brunson asked if the Commission would reduce the amount owed to a more accurate amount of what it should have been if his expenses were deducted.

The commissioners will work with Assessor Manis on this issue. Commissioner Smith said that he thinks that everyone agrees with the County sending a letter to the State requesting to reevaluate the amount on Mr. Brunson's property taxes.

Commissioner Smith said that it needs to be fair and equitable and everyone needs to be treated the same. The commissioners will contact the State to see what they can do and will get back to Mr. Brunson.

## OTHER BUSINESS

Commissioner Withers said that the County Stock Show was a huge success. They appreciated being able to use the County facilities for the event.

Commissioner Roper has been visiting with the maintenance crew regarding a telephone allowance for Travis Archibald. This request was presented at a past commission meeting. Commissioner Roper said that Mr. Archibald is on call twenty-four hours a day for heating and cooling issues. Commissioner Roper feels that the cell phone allowance is justified due Mr. Archibald being on call.

Commissioner Withers said that the County needs to be careful with this subject to be fair and consistent with all county employees. The Commissioners will discuss this issue further.

Attorney Waddingham read the legislation regarding the County Commission minutes and when they are required to be posted. The minutes are to be posted on the public meeting notice website 3 business days after they have been approved.

Commissioner Roper said that Sunrise Engineering would like to be part of the Public Health building project. He then went over the objections and fees with the commissioners on that project.

He suggested to get with the building inspector sometime before the meeting with the School Board, Thursday, June 13, to make sure everything is covered.

Commissioner Withers will set up a meeting with the building inspector.

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

Commissioner Roper attended a training meeting with the Forest Service/BLM. He said that they complimented the commissioners on the job they have done in regards to county fires.

He said that they are pretty fortunate to have the people in this area who are interested in the welfare of the County and who are planning for the up coming season.

Commissioner Smith said that when it comes to the fire season the correlation of a fire happens pretty quick and the commission are always involved.

Commissioner Roper said that at the meeting they projected that Meadow and Fillmore could be problem areas for fires this year.

Commissioner Withers said that the rodeo is coming up soon and the Miss Millard Pageant is set for July 20, 2013. The Little Miss and Junior Miss pageants will be held during the Millard County Fair, August 1, 2013 through August 3, 2013.

Commissioner Smith said that Auditor Grace attended the Republican Caucus meeting. She said that there was quite a discussion on the alteration of terms of office. She said that they did not quite understand what will happen in the next election.

It was suggested to have some education on the alternating terms.

#### POSSIBLE REVIEW OF COUNTY POLICIES AND CONTRACTS



The County is still working on the purchasing policy.

POSSIBLE CLOSED MEETING PURSUANT TO UTAH CODE ANNOTATED SECTION 52-4-204 & 205

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 12:03 p.m..

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

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