

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 20th DAY OF AUGUST 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
Bruce Costa..... Central Utah Public Health
John & Marilou Heath..... Citizens
J. Van Schelt & Melody Brenna..... Colonial Flag
Klint Penney..... East Millard Maintenance
Wayne Jackson, Ken Porter & James DeWyze..... American Legion
Bart Whatcott..... ATV Jamboree
Brandy Grace..... County Auditor
John Hansen..... County Treasurer
Sam Starley..... Citizen

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 AUGUST 6, 2013 COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held August 6, 2013 were presented for consideration and approval. Following review and consideration of minor corrections, Commissioner Roper made a motion to approve the minutes of August 6, 2013, as corrected.

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

FOLLOW UP ACTION ITEMS FROM AUGUST 6, 2013

Commissioner Smith said that in regards to ambulance abatements the Commission has requested that the form now require an income tax statement be included with the request, in addition to the income information.

Commissioner Roper said that he talked to Ms. Crabb regarding the property that was going to be deeded to Kanosh Town. She indicated that she thought that the deed had been recorded.

RATIFY THE SIGNING OF THE AGREEMENT WITH SUNRISE ENGINEERING

Commissioner Roper made a motion to ratify the signing of the Work Release Agreement with Sunrise Engineering for work on the public health building to be built in Fillmore, Utah.

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

RATIFY THE CELL PHONE ALLOWANCE FOR BRANDON WINGET, COUNTY ROAD SUPERVISOR

This agenda item should have read RATIFY THE APPROVAL OF A CREDIT CARD FOR BRANDON WINGET, COUNTY ROAD SUPERVISOR. The commissioners amended the agenda to reflect the correction.

Commissioner Withers made a motion to ratify the approval of a credit card for Brandon Winget, County Road Supervisor, in the amount of \$1,000.00.

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

AUDITOR'S REPORT

Auditor Grace presented a cell phone allowance for Brandon Winget for possible approval.

Commissioner Withers made a motion to approve a cell phone allowance in the amount of \$80.00 for Brandon Winget, County Road Supervisor.

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

POSSIBLE APPROVAL OF HARDSHIP ABATEMENT APPLICATIONS

Auditor Grace presented a hardship abatement application from Marisa Conk. Commissioner Smith said that this application was presented at an earlier meeting where the commissioners requested that Ms. Conk present her income tax return statement. Ms. Conk responded that she did not file a tax return. Auditor Grace said that happens from time to time, but she is more concerned with the fact that Ms. Conk is now living in Las Vegas, Nevada.

Commissioner Withers said that he discussed this issue with the person who originally owned the property and he indicated that he deeded the property over to Ms. Conk. Therefore, it would be her responsibility to keep the property taxes current.

Commissioner Smith said that this property is not delinquent at this point. It was suggested to wait a year to see if Ms. Conk will pay the taxes.

Commissioner Roper made a motion to deny the abatement for Ms. Conk's property taxes. Commissioner Withers SECONDED the motion. The voting was unanimous and the motion carried.

Auditor Grace presented a property tax abatement application from Gerald and Nikki Robison. Commissioner Roper said that Mr. & Ms. Robison's income places them within the guidelines for an abatement. Mr. & Ms. Robison are not delinquent on their property taxes at this point.

Commissioner Withers made a motion to abate 30% of Gerald and Nikki Robison's property taxes based on the property tax credit information for the state of Utah.

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

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 10:21 a.m..

Auditor Grace said that Kevin Bogue, Delta Sports Center, contacted her and asked if the Commission would be able to offer him some kind of relief on his property taxes this year since his business burned down. Auditor Grace said that after the Oak City fires the Commission offered relief to the residents who lost their cabins. Commissioner Smith said that the County has worked with residents with issues such as this.

Commissioner Roper suggested to wait and see how this works out due to Mr. Bogue having insurance and he will probably rebuild. Treasurer Hansen said that during the time period between now and the time he rebuilds his income will be low.

Auditor Grace said that she does not believe that his income or insurance issues are relevant to the issue of property taxes. She said that this property tax is based on a property which contained

a structure. Now that the structure is gone she does not think income or insurance matters at this point. Based on the time of year it was suggested to abate 50% of the property taxes for the structure only since the structure was intact for the first half of the year.

Commissioner Withers made a motion to abate 50% of the structure portion of Kevin Bogue's (Delta Sports Center) property taxes for the 2013 tax year.

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

Treasurer Hansen said that as they have sent out property tax notices they have discovered that there were approximately 100 parcels that have doubled in value. He said that this will affect some properties in total value and some would need to be adjusted.

Commissioner Smith said that in the past the Commission has given the Auditor and Treasurer the authority to make sure the values are correct within a timely manner. He said that he was aware of the issues discussed. If there is an issue due to an assessor's error the Auditor has the authority to stipulate and change the values.

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 10:26 a.m..

TREASURER'S REPORT

Treasurer Hansen presented the financial report for County funds for July. He said that there is an \$11.75 difference between the auditor and treasurer's total. He said that the difference is due to a returned check that he adjusted which should not have been adjusted because it was not included in the revenues received. He said that they are in the process of correcting the adjustment and it will be presented in the August report at a future commission meeting.

Treasurer Hansen said that the property Steven Crabb deeded to Kanosh Town has been recorded.

Auditor Grace said that she needs to verify if this property has been made exempt, so that if there is value it would not be charged to Kanosh Town. The Commission approved Auditor Grace changing the property status to exempt.

Treasurer Hansen said that they are getting ready to start the process of sending tax notices. He said that they would need to set a date for a budget hearing. It was suggested to hold the budget hearing on December 3, 2013 at 7:00 p.m. and to possibly adopt it on December 17, 2013.

Auditor Grace said that if you open any fund within the County you would have to hold a public hearing.

It was also suggested to hold a special commission meeting Friday, December 27, 2013.

Treasurer Hansen said that the last day for collecting property taxes is November 30 which falls on a Saturday so the final day for collecting property taxes will be extended to Monday,

December 2, 2013.

Treasurer Hansen asked whether the County offices will be closed the day after Thanksgiving (Friday, November 29, 2013). The Commissioners approved closing the County offices the day after Thanksgiving. Employees can choose to work or to take a vacation day.

ACCEPTANCE OF INTERIM SUCCESSORS FOR COUNTY OFFICIALS

Clerk Brunson received and submitted the following interim successor lists for filing:

- County Road Department
- Treasurer's Office
- Clerk's Office

DISCUSSION AND POSSIBLE APPROVAL OF A CELL PHONE ALLOWANCE FOR SAM STEVENS

Commissioner Withers said that the County gets several requests for cell phone allowances from employees who feel that they use their phones a lot for County business. His opinion is that cell phone allowances should only be approved for supervisor positions. He said that for years counties and businesses got along just fine without cell phones; even though it is convenient there are other ways of doing business. He said that he is comfortable with limiting cell phone allowances to supervisors only.

Commissioner Roper asked what the reasons are that Mr. Stevens feels he needs a cell phone. Commissioner Withers said that the road supervisor calls him on his cell phone all of the time. Mr. Stevens is a bridge foreman, but there are several other foremen positions without cell phone allowances and the County needs to draw a line somewhere.

Commissioner Withers made a motion to deny a cell phone allowance for Sam Stevens.

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

DISCUSSION REGARDING PUBLIC HEALTH - BRUCE COSTA

Bruce Costa, Central Utah Public Health, discussed the possibility of adding office space for its environmental health scientist in the new public health building that will be built in Fillmore, Utah.

The commissioners said that they are trying to save money on the building and discussed other options of where to house the environmental health scientist, since he only comes to Fillmore a couple times a week.

Mr. Costa said that currently the Health Department only has a part-time environmental health scientist due to the recession, but in the future if things pick up they will possibly change that position to full-time.

Mr. Costa said that there are more than just nursing services that are provided by the public health department and about one-third of their business is environmental health.

The Commission will look into this request to see if they can work out an accommodation.

Mr. Costa informed the Commission that the public health department just lost the Children's Special Healthcare Needs program. This program has been a part of the public health department for twenty years.

The program provided a variety of services to children and parents who could not get the services anywhere else. He said that the State cut the funding by 50% or more. The health department tried everything to try and keep the program but due to the funding cut they were not able to keep the program any longer.

Commissioner Smith asked what the status was with the health department in Delta moving to a building owned by IHC. Mr. Costa said that they have stopped pursuing that option due to IHC not wanting to rent the space. He said since then, a few employees said that they were content in staying at the current building. He said that the only issue he thinks that they are having is from the bar patrons smoke getting into the building.

Commissioner Smith said that Jim Kallin who serves on the Six County Public Health Board informed the commissioners that all of the employees would like to move their office to a different location. Mr. Costa said that he spoke with two of the employees, about two months ago, and they indicated to him that they were happy to stay at the current building.

Commissioner Withers suggested that he would visit with the employees regarding this issue and then would visit with Mr. Costa at a later date.

DISCUSSION REGARDING ASSISTED LIVING IN MILLARD COUNTY - STEVE DRAPER

Steve Draper asked to discuss long term care and assisted living. He said that back in 1999 when he was on the commission, the board realized that the long term care center was in need of some repairs. They hired a consultant to look at putting together a long term care center demographic. That consultant was Jeff Christensen who now runs the Millard Care and Rehabilitation Center.

Mr. Draper said that Mr. Christensen put together some demographics and looked into the future needs for long term care. The demographic that he put together was for the entire county and showed that the number of residents living in Millard County between the ages of 18-25 was decreasing, the residents between the age of 25-65 were staying status quo, and residents between the age of 65-85 was steadily increasing. Mr. Christensen's prediction was that by the year 2012 the County would need a long term care facility that would be able to accommodate eighty beds. The County decided to build a long term facility that would accommodate sixty beds.

Mr. Draper said that when the demographic was done there were two assisted living centers in the County and the county policy, at that time, stated that the County would not compete with private industry. He said that Mr. Christensen assured them that the long term care facility would not impact assisted living.

Mr. Draper said that in 2008 Mr. Christensen came to them and said that his prediction of the County needing an eighty bed facility was way off and he wanted their approval to start a lower-level private pay. He said that the County would always be priced much higher than what the private industry was charging.

Mr. Draper presented a copy of the pay schedule for Millard Care and Rehabilitation which

was provided to him by Mr. Christensen. The pay schedule shows a lower rate than what the private industry is charging.

Mr. Draper said that he had an agreement with the County that he would send his patients to the County's facility once those patients were no longer able to live at his assisted living facility and the County would send its patients to the private industries when they were able to live in the assisted living facilities. Now that the County is offering "assisted living" it is hurting the private industries financially.

Mr. Draper said that the County has a reserve for its care facility which is something that private industries do not have. He said that his major concern is that the taxpayers dollars are being used to compete with the private assisted living centers.

Mr. Draper went over the costs of medicaid with the Commission. They also discussed that the laws have changed due to Obama Care.

After further discussion Commissioner Smith said that they will visit with Mr. Christensen as well as Mr. Draper regarding this issue.

Commissioner Withers asked if the County were to get out of the care facility business if there would be interest in privatizing this business. Mr. Draper said that all Counties have a care center.

OPENING OF THE EAST MILLARD SWIMMING POOL CEILING BIDS

Auditor Grace said that two bids were received. She opened the following bids:

- Natural Impressions in the amount of \$25,100.00
- Pahvant Builders in the amount of \$15,164.00

Commissioner Roper said that due to a possible conflict of interest he will recuse himself from voting on the motion.

Commissioner Withers made a motion to accept the bids as opened and to review the bids with East Millard Maintenance Supervisor Klint Penney to make sure that the projects were bid correctly. They will award the bids by Friday.

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

DISCUSSION AND POSSIBLE APPROVAL OF A BID FOR THE MILLARD COUNTY VETERANS WALL

Melody Brenna, Colonial Flag, explained what they would be doing with the plaques for the Veterans Wall. She said that the stone they will be using is a high performance stone and is really beautiful and is between 9,000 - 17,000 pounds per square inch (PSI). Road concrete is only 3,500 PSI. Therefore, the stone is in a whole different world with durability and freeze thaw and is pervious to weather. She said that Colonial Flag will guarantee the stone for 100 years and the testing for 300 years. The stone is a really high string with cement and ad mixtures which surpass marble and granite.

Jack Van Schelt, Colonial Flag, thanked the Commission for allowing them to be here today.

He said that the product they offer will enhance what the County already has on the wall. Ms. Brenna said that the stone plaques will be made in Sandy, Utah. They will also include twenty extra panels so that there is plenty of overage for the County to have on hand for when they are needed.

Former Fillmore City Mayor Sam Starley asked if the black paint on the stones would hold up for 20 years. Ms. Brenna said that the paint is monument grade paint and is good for 15 years, but she recommends that the County reseal them every 5-6 years.

Mr. Starley questioned the chipping resistance. Ms. Brenna said that though the stone is a better grade than the marble and granite, it would still chip if hit hard enough.

Mr. Starley asked if they could do a colored paint instead of just black. Ms. Brenna said that the color paint does not last as long as the black paint.

Mr. Starley said that he heard the same story regarding the plaques that are currently on the Veterans Wall, he just wants to make sure that these stone plaques will be better.

Wayne Jackson said that the original panels cost around \$86,000.00. The paint on those panels were guaranteed not to peel but did peel right off. He said that he talked to the company who did the original plaques to see if they could add a few names but they said that they would not be able to line up the new names with the existing names and it would cost \$80,000.00 to add the names.

Mr. Jackson said that he talked to Delta City Mayor Gayle Bunker who is very receptive in taking the plaques, that will be replaced, for display in the Delta City building.

Commissioner Smith thanked Ms. Brenna and Mr. Van Schelt for their bid. He said that there are currently no funds available for this project but they will try to budget something in next year's budget cycle.

PUBLIC INPUT

Mr. Starley discussed his opinions further regarding the Veterans Wall.

OTHER BUSINESS

Commissioner Withers updated the Commission on a project regarding the National Park Service in Nevada. This project will improve the power line that provides television to the Garrison area, as well as ensure that power is available if the Sheriff's Office needs to upgrade its communications.

He said that Dee Hollingshead met with the National Park Service and the BLM. They are anticipating changing the line that runs from private land through BLM land to the National Park.

He said that they are anticipating receiving a letter from the National Park Service in Nevada regarding what they will do.

Commissioner Withers met with the Soil Conservation District. They received notice that they are state mandated to pay taxes on their secretary wages. They have requested to increase their funding to \$2,400.00 per year. This will take place in 2014.

Commissioner Withers met with the engineer from Sunrise Engineering regarding the public

health building. Commissioner Roper said that they are done with UDOT but have not even started with IHC regarding the possibility of purchasing land.

Commissioner Roper said that he met with Fillmore City Mayor Eugene Larsen. He showed a map of the property for the public health building. He said that the property is only 66 feet wide so they will need to get a variance from Fillmore City or do a flag lock. He said that it will take approximately 30 days to get the plans ready. He said that he spoke with Jim Beckstrand, IHC, who told him to get him some proposals.

Commissioner Withers will look into the time limits of the grant. The commissioners discussed other options of where to put the public health building, but they feel strongly that all of the health facilities should be in close proximity of each other, and that they should not have a public health building in the middle of recreation activities.

Commissioner Roper said that the commissioners feel strongly that there is a big issue with power in East Millard. He said that he will get a meeting together with Rocky Mountain Power to discuss this issue.

Commissioner Withers explained that the power is limited so there is not enough power to accommodate any possible economic development.

Dean Draper, Chronicle Progress, questioned if UAMPS configures in with the issue or is it just Rocky Mountain Power. Commissioner Roper said that he understands that Rocky Mountain is the one who has the capability to bring the lines into the County.

Mr. Draper said that as he understands it this is not a single party issue and the power issues are also affecting the Delta area.

Mr. Draper questioned if the commissioners will be attending the TransWest hearing tomorrow at 4:00 p.m.. The commissioners plan on being there at 2:00 p.m..

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

Commissioner Roper said that they had a banquet and a presentation at the Wildlife Park in Fillmore last Wednesday for Dean Baker and his sons who received an award for Farmer of the Year in the County. They were very appreciative and honored to receive that award.

Commissioner Roper said that Ronda Williams, First American Title Company, is working on the paperwork for the purchase of property for the soccer fields. He said that Carling & Company is going to do some digging and shoot some grades on the property.

Commissioner Smith attended a meeting on Thursday at the Capital Building in Salt Lake City, Utah with members of UAC and its affiliates. They discussed staggered terms for the next election cycle. There were some who wanted it repealed and some were willing to go through the process of having the staggered term election. Some offices will have a four year term and others will have a one-time six year term. Everyone agreed to have the one-time six year term versus a one-time two year term.

He said that they briefly discussed the two terms of the Commissioners coming up for office

at the same time. They also discussed the option of appointing the row officers rather than having them go through an election, but that did not last long.

Commissioner Smith attended the UAC Nominating Committee where they picked the candidates for the second vice president for next year's election.

Commissioner Smith said that there was discussion regarding the efficiency of mail-in ballots. He said that the counties who have gone to county wide mail-in ballots for an election have had 70%-80% participation versus the in-person elections. He said that this is the direction the elections are heading since there is no money to fund or replace the electronic voting machines.

Later, Commissioner Smith said that Kevin Morris, West Millard Maintenance, is working on a project to extend the parking lot at the long term health care center. The project will be paid for with some of the funds budgeted for long term health care. The maintenance crew will tear out the fence, Delta City will move the fire hydrant and do the curbing, and the asphalt will be sent out for bid.

Commissioner Smith said that Todd Mullen, Sunset View Golf Course, has been working with Delta City to build a pathway along the highway from the golf course to the airport. They had UDOT shoot in a pathway and now they need to get a right-of-way for the pathway. Delta City is having a fly-in with all of the cities so that when they land in Delta they can drive golf carts on the pathway not on the highway.

REPORT ON THE ATV JAMBOREE - BART WHATCOTT

Bart Whatcott, ATV Jamboree, presented action reports of the ATV Jamboree and discussed the following:

- Comments made by participants on the action report. According to the report an average of \$520.00 was spent by each couple or individual rider in the County. There were 150 riders. Broken down by couples, about \$39,000 was spent in the County during this Jamboree.
- He discussed how the participants found out about the Jamboree, and which websites they accessed to find out about the Jamboree. He went over the different types of websites that are out there that they could use.
- He discussed how things could have been done better, such as vendors, entertainment and promoting the event. It was suggested to condense the Jamboree down to 4 days rather than 6 days.
- This year's participant number was down by about 100 riders from last year.
- Millard County has been hosting the ATV Jamboree for twenty-six years.
- He discussed what other counties are doing with their Jamborees as far as entertainment and rides and what more the County would like to do with the Jamboree, including making it a community event by inviting the outlying towns.
- He said that they are looking into getting involved with smaller shows. They would like to use some of the money that they did not spend to register for the Clark County

- Fair.
- The mile long yard sale and the car show went well.
- He discussed other events they are looking into and adding to the Jamboree entertainment.
- He said that overall the Jamboree went pretty well.
- They also discussed the road closures by the private property owners.

POSSIBLE REVIEW OF COUNTY POLICIES AND CONTRACTS

There was none.

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

Commissioner Roper made a motion to go into a closed executive session to discuss the character, professional competence or physical or mental health of an individual.

Commissioner Withers SECONDED the motion. Commissioner Roper voted YES. Commissioner Withers voted YES. Commissioner Smith voted YES. The voting was unanimous and the motion carried. Present in the closed session were: Clerk Norma Brunson, Commissioner James Withers, Commissioner Daron Smith, Commissioner Alan Roper, Attorney Richard Waddingham and Deputy Clerk Marki Rowley.

After the closed executive session the regular meeting reconvened at 12:50 p.m..

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 12:51 p.m..

Attest: _____

Approved: _____