

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 1st DAY OF OCTOBER 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
Michael Corey..... Corey Cattle Co.
Mike Nuttall, Steve Boardman, Bryan Anderson, &
Marion Anderson..... Oak Meadow Subdivision
Jamie Orullian..... East Millard Recreation
Pat Manis & Susan Wilcox..... Assessor's Office
Tony Fuller..... ADF Holdings
Krisine Camp, Sharal Young, Bobbette White, Madison Oliver,
Nathan Camp, Kjell Rasmussen, Anna Camp &
Emily Barber..... 4-H Teen Council
Wayne Jackson..... Military Liaison

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

APPROVAL OF SEPTEMBER 17, 2013 COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held September 17, 2013

were presented for consideration and approval. Following review and consideration of minor corrections, Commissioner Roper made a motion to approve the minutes of September 17, 2013, as corrected.

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

FOLLOW UP ACTION ITEMS FROM SEPTEMBER 17, 2013

There were none.

REVIEW AND POSSIBLE ADOPTION OF ORDINANCE 13-10-01, AN ORDINANCE ON PROPOSED AMENDMENTS TO THE MILLARD COUNTY CODE - TITLE X, ZONING REGULATIONS, TO PROVIDE SUPPLEMENTAL STANDARDS FOR ANIMAL CONFINEMENT REGULATIONS WHICH INCLUDE AFOs AND CAFOs. MILLARD COUNTY - APPLICANT. APPLICATION #Z-2013-016

Commissioner Smith said that a public hearing was held September 17, 2013. At that public hearing there were some comments made and Sheryl Dekker, County Planner, reviewed the ordinance. This ordinance will include Title X in the zoning regulations which was left out when the new code was created.

Commissioner Roper made a motion to adopt Ordinance 13-10-01, an ordinance on proposed amendments to the Millard County Code - Title X, Zoning Regulations to provide supplemental standards for animal confinement regulations which include AFOs and CAFOs. Millard County - applicant, application #Z-2013-016.

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

Commissioner Withers said that there was quite a bit of discussion regarding the set backs on existing facilities which have now been clarified. He said that this all stems from the discussion years ago in West Millard County regarding encroachment on property owners on Ashby Feedlot Sandhill or around Ashby Feed Yard. These standards have been set for a long time and he feels that it is appropriate to stay with those and move forward.

Dean Draper, Chronicle Progress, questioned to confirm that the set back requirements did not change. Commissioner Smith said that they are the same as the ordinance which was adopted in 2005.

Michael Corey, Corey Cattle Co., asked if the consent for neighbors is in the ordinance. Commissioner Smith said that yes there is an opportunity if a neighbor would like to waive his/her right to the setbacks they have the ability to do so. Attorney Waddingham said that it would require the Commission's approval.

REVIEW AND POSSIBLE ADOPTION OF ORDINANCE 13-10-01A, AN ORDINANCE ADOPTING PROPOSED AMENDMENTS TO SEVERAL GOALS, OBJECTIVES AND IMPLEMENTATION STRATEGIES, AS CONTAINED IN THE MILLARD COUNTY GENERAL PLAN - UTILITIES ELEMENT TO PROVIDE CLARIFICATIONS ON THE LOCATION OF MAJOR UTILITY CORRIDORS IN MILLARD COUNTY. MILLARD COUNTY - APPLICANT. APPLICATION #Z-2013-011

Commissioner Smith said that a public hearing was held September 17, 2013 on this issue. During the public hearing, Ms. Dekker explained that the County was updating the section of the general plan which reflects major utility corridors. The Planning and Zoning Board also forwarded a favorable recommendation.

Commissioner Withers made a motion to adopt Ordinance 13-10-01A, an ordinance adopting proposed amendments to several goals, objectives and implementation strategies, as contained in the Millard County general plan - utilities element to provide clarifications on the location of major utility corridors in Millard County. Millard County - applicant, application #Z-2013-011.

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

REVIEW AND POSSIBLE ADOPTION OF ORDINANCE 13-10-01B, AN ORDINANCE ON PROPOSED AMENDMENTS TO THE PREFERRED MAJOR UTILITIES CORRIDOR MAP, AN OFFICIAL MAP OF MILLARD COUNTY OR REVISE AND CLARIFY THE LOCATION OF MAJOR UTILITY CORRIDORS, INCLUDING THE LOCATION OF THE WEST-WIDE ENERGY CORRIDOR, LOCATED IN MILLARD COUNTY, MILLARD COUNTY - APPLICANT. APPLICATION #Z-2013-012

Commissioner Smith said that a public hearing was held on this issue September 17, 2013. The Planning and Zoning Board forwarded a favorable recommendation.

The commissioners reviewed the map that was presented during the public hearing. The map indicates where the major utility corridor is located. Commissioner Smith said that he appreciates Ms. Dekker and Bruce Parker, Planning Consultant, for the work they have done in keeping this updated.

Commissioner Withers made a motion to adopt Ordinance 13-10-01B, an ordinance on proposed amendments to the preferred major utilities corridor map, an official map of Millard County or revise and clarify the location of major utility corridors, including the location of the West-Wide Energy Corridor, located in Millard County, Millard County - applicant, application #Z-2013-012.

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

DISCUSSION AND POSSIBLE APPROVAL OF PURCHASING A SIGN FOR EAST MILLARD RECREATION - JAMIE ORULLIAN

Jamie Orullian, East Millard Recreation Director, discussed with the Commission the possibility of purchasing a marquee sign for advertisement of County and City events. She spoke with Fillmore City, who is willing to pitch in 50% to help purchase the sign and will share the benefits of the advertisement. Fillmore City Mayor Eugene Larsen said that he would be willing to draw up a contract with the County for the maintenance of the sign. The library staff would also be willing to input the advertisement information.

Ms. Orullian said that it is a good way to advertise events in a more costly way than making posters and signs which get ruined by the rain or blown away, wasting time and money.

Ms. Orullian said that the sign could also generate funds by allowing other venues, not affiliated with the County or City, to be advertised for a fee.

She discussed possible locations of placing the sign. She and the commissioners thought the best location would be on main street which would be seen by more citizens. Ms. Orullian informed the Commission that the sign would have a 5 year warranty on the LED light.

Ms. Orullian has been working with a company who indicated that if the County would come up with 50% of the purchase price soon they would save \$1,000 off the purchase price making the County's portion only \$8,500.00, unless they need to get a different monitoring system. She has looked around and this seems to be the best deal.

Commissioner Smith asked if the School District was interested in going in on the purchase of the sign as well. Ms. Orullian said that she spoke with the School District but the amount they were willing to contribute was minimal.

Commissioner Withers said that East Millard Maintenance has money available to purchase the sign.

Attorney Waddingham informed the Commission that if the sign was to be placed on main street they may need to get a permit from UDOT.

Ms. Orullian said that she will contact UDOT. She informed the Commission that this is an opportunity that may not be available if they wait too long.

Mr. Draper said that he understands that it will be a 50%/50% interest between the County and Fillmore City and also suggested that main street would be the best location for the sign. He said that it would attract the attention of tourist coming into town any time of year. He said that there are a lot of things happening in the County that even the paper is unaware of. The sign may help to inform the paper and the citizens of such events.

Another suggestion was placing it at the North Park to avoid having to purchase a different monitoring system.

Commissioner Roper thanked Mr. Draper for his viewpoint.

Commissioner Roper made a motion to approve the purchase of the sign and to use the available funds out of the maintenance budget.

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

Commissioner Roper will work out the location with the City and will give an update when that has been established.

DISCUSSION AND POSSIBLE APPROVAL OF PERSONAL PROPERTY EXEMPTIONS

Assessor Manis and Susan Wilcox, Deputy Assessor, presented a list of the 2013 personal property value exemptions. Assessor Manis said that this year the exemption amount is at \$4,000.00.

State statute requires that in order for a business to receive an exemption it must apply for it. He said that his office puts forth a lot of time and effort in trying to get the businesses to respond to the letters they send out, including letters informing the businesses that they may qualify but need to apply for an exemption.

Assessor Manis went over the exemption lists. He explained that the first list is exemption by tax district and the second is a list of the businesses that have closed.

Assessor Manis said that in order for the exemptions to occur they need official action from the Commission, approving the list of businesses who qualify according to the completed applications they submit.

Ms. Wilcox explained that the accounts with a zero balance are due to equipment that have been depreciated out. The business owners would still have to sign the exemption application every year.

Commissioner Withers made a motion to approve the 2013 personal property exemption list presented by Assessor Manis.

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

Assessor Manis said that the personal property tax is a self auditing program and is completed by the business owner. The State Tax Commission provides an audit service every year. This year they audited twenty-five businesses.

He said that they find the audit useful. Sometimes they use the audit process to help new businesses who have bought an existing business and need help determining what taxable personal property they have. Approximately half of the audits are requested on a rotation basis, the remainder are generally accounts with values that may raise a concern. There are some times where businesses have missed and forgot to add equipment, or was unaware it should be reported.

Assessor Manis said that the total value increase this year of the twenty-five businesses audited was \$4,872,261.00, of which \$2,373,037.00 was an increase for the 2013 tax year. The remaining \$2,499,925.00 was prior years audited, because the audit process goes back three years.

He said that he thinks that personal property value is a gauge of how businesses are doing. In the last couple of years there has been a substantial decrease in personal property value, but this year it has seemed to level out.

Assessor Manis said that the current year value, including the audit information presented, is \$36,598,232.00, which is a little above last year's value. He said after deducting the amount of the prior years audit value, and using only the 2013 value, the amount is \$34,101,304.00. Last year's value was \$33,855,616.00. He said that this amount is just about stagnant and may be an indication that things may be leveling out.

Assessor Manis said that the new exemption amount that the legislature mandated for next

year will go up from \$4,000.00 to \$10,000.00. Next year all businesses will be exempt with a value of \$10,000.00 or below. He asked Susan Wilcox to run some figures to see what the differences would be. She estimated the total decrease in value would be about \$253,000.00. The revenue that will be shifted to other taxing sources will be about \$2,800.00.

DISCUSSION AND POSSIBLE APPROVAL OF BUILDING A CULVERT IN THE SUBDIVISION ABOVE OAK CITY - TRAVIS SMITH AND STEVE BOARDMAN

Mike Nuttall and Steve Boardman, Oak Meadows Subdivision, said that there currently is a project underway for flood control and mitigation in the Oak Creek drainage due to the fires from the last couple of years. There were two major flood events this year which has caused the culverts to top over endangering several homes. He said that Jones and DeMille, with the cooperation of the County, has presented a plan to change the crossings to a low water Texas Crossing. These types of crossings consist of two small culverts so if the water gets too high it tops over the road and flows down the channel.

Mr. Boardman said that they were not involved in that design process, but later found out what was proposed for his subdivision. He said that he is concerned with the low water crossing in his area. That type of crossing will trap him and his neighbors in their subdivision until the water subsides low enough to get across the crossing, and then they would have to wait for the County to come and clear the debris before they would be able to get out of their subdivision.

Mr. Boardman is proposing that they put in a box culvert crossing rather than the proposed Texas crossing. He said that it is a bigger culvert than what they already have. There are not many NRCS funds available. He said that the cost falls back on the County, City and residents. Oak City has about \$25,000.00. They are willing to transfer those funds to the County to help with this project but will only be available to do so for a limited time.

Commissioner Smith asked if Jones and DeMille could include this as part of their project. It was determined that the culverts would have to be purchased. Jones and DeMille can only do the installation.

The County would have to come up with the remaining \$10,000.00. The project price was initially quoted as a \$72,000.00 project by Jones and DeMille.

Mr. Boardman said that there is a four week delivery time for the culverts. If they approved this project today it could be completed by the end of October.

Marion Anderson, Developer of the Oak Meadow Subdivision, explained that the problem is with the debris that comes down from the mountain. Mr. Boardman said now that 80% of the mountain has been burned off they are getting much bigger floods down through the channel. They are requesting that the County purchase the box culvert to give them a dry crossing versus a wet crossing to help prevent the residents of Oak Creek Subdivision from being trapped.

Mr. Anderson said that during development of the subdivision, Sunrise Engineering was the engineer on the project. He asked Sunrise if they would put in an Arizona Crossing, which consists of culverts and has a swell which will take care of the debris incase there is an overflow.

He said that he has property east of the subdivision and uses the same channel. He added a small 2 ½ foot culvert in front of his property and poured concrete all around it with a 16 foot square pad. Every time it floods the water and debris would wash around the culvert and has never hurt the structure. It would plug off and then go over the top. Later, he added some aprons and has never

had a problem since. He said that Thayne Henrie, the former Road Supervisor, made the comment several times that he wished that the County would do more structures like Mr. Anderson's because the Road Department never had to mess with his.

Commissioner Smith asked if there was another way out of the subdivision. They was said that they are boxed in because both exits have the same problem.

Commissioner Smith said that he can see that this is a safety issue. The County will look into what it can do it. He confirmed that the road leading into the subdivision is a county road, but the County does not have an item budgeted for this issue. He said that there is money in the Capital Fund that they could possibly use.

Commissioner Roper said that he would prefer to wait on approval until he has a chance to visit with Ryan Jolley and to see where the County is with the budget. Commissioner Withers said that they have already spoken with Mr. Jolley and he feels that this will work with the engineering.

Commissioner Withers said that he would not be comfortable putting this issue off any longer and suggested to move forward with funding the \$10,000.00 based on it being a safety issue for the residents of the subdivision.

Commissioner Withers made a motion to move forward with funding \$10,000 to go along with the \$25,000.00 donation from Oak City for the Oak Meadow Subdivision project, based on the public safety of the Oak Meadow Subdivision residents.

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

Commissioner Smith said that they will look into the budget to see if there is funding available in the Capital Fund. If not, due to the emergency nature, and health and safety issues, they will figure out how to fund it at the end of the year.

Commissioner Withers will report on this issue at a future meeting.

DISCUSSION AND POSSIBLE APPROVAL OF PURCHASING A GRAVEL PIT FROM TONY FULLER, ADF HOLDINGS, WHICH WILL INCLUDE WATER SHARES

Tony Fuller, ADF Holdings, said that he is here to answer any questions the Commission may have on the sell of the gravel pit.

Commissioner Withers wanted to clarify what the verbal agreement was regarding the water shares. He said that he thought the deal was going to be for \$120,000.00 and Tony Fuller as well as Don Fuller would each add in 2 acre feet of water to be included with the offer.

Mr. Fuller clarified that ADF Holdings received a counter offer from the County that the \$120,000.00 would be accepted if it included four acre feet of water. Both Tony and Don Fuller agreed that they would be willing to add in the four acre feet of water. He said that they decided that they would do one better than what the County requested by offering the 40 acres of gravel pit and four acre feet of water for \$110,991.00, which minuses the \$9,009.00 that the County has already purchased in gravel this year.

Mr. Fuller explained the water for the well has been approved through a change application. Don Fuller's change application was approved September 2008 for two of the acre feet of water. Proof on his water right was supposed to be submitted and filed this year however, he filed for an

extension of time to show proof. Tony Fuller's change application was approved July 3, 2007 on the other two acre feet of water.

Commissioner Roper asked if all the paperwork was ready to be signed today. Mr. Fuller confirmed that he spoke with Ronda at First American Title Company who indicated that it was ready to be closed today.

Commissioner Smith said that the County currently has a contract with ADF Holdings to purchase gravel from the pit and he wanted to make sure that they will not owe anything on that contract. Mr. Fuller said that the County has paid \$9,009 which will be credited to the purchase amount of \$120,000.00, with that credit the amount to close the deal would be \$110,991.00 plus closing costs of \$334.00.

Mr. Fuller asked if the County would be willing to furnish him with a few loads of gravel so that he could gravel his road. He asked if the County would be willing to deliver it and spread it out on his road. He said that it would not be a deal breaker if the County would not be willing.

Commissioner Roper said that he would not have a problem with furnishing the gravel but he is uncomfortable with the County delivering and spreading the gravel due to the conflict with other entities. He said that the gravel will be available but Mr. Fuller would need to find someone to deliver and spread it around.

Commissioner Withers made a motion to purchase the forty acre gravel pit from Tony Fuller, ADF Holdings, for the revised amount of \$110,991.00, which will include four acre feet of water, subject to a clean title report.

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

4-H TEEN COUNCIL THANK YOU

Members from the 4-H Teen Council brought a plate of goodies for the commission to thank them for the support they have given to the 4-H program.

The 4-H Members shared with the commissioners some of the things that they have been doing throughout the year.

Nathan Camp, Region Ambassador, said that they went repelling and had a meeting on how to be a leader and plan events for their region.

Emily Barber said that 4-H is a lot about learning experiences. She and Anna Camp went to State Conference this year at the Utah State Campus. They learned about cooking and were able to watch other people do presentations. She shared a learning experience that her and Anna had when they put their food in the freezer instead of the refrigerator.

Kjell Rasmussen and Nathan Camp had the opportunity to attend the Junior Youth Conference. They chose leaders who had to create a theme that the kids would like and help them make things. They led the kids around Snow College Campus for three days doing fun things. Their main goal was to make it fun and help the kids learn things. He said that it also helped them learn how to be good leaders and be patient with kids and work well with a partner.

Anna Camp participated in the Mock Pledge. They went to the State Capital and presented a mock bill. It was really cool. They presented a bill and was able to debate it.

Madison Oliver said that 4-H is a lot about life skills. She attended the Winter Retreat, where she learned about the five love languages which are: Touch, Quality Time, Acts of Service, Gifts and Words of Affirmation. She said that it was a fun energy and a really good experience. She got to learn about the different ways people deal with love languages.

Bobbette White, 4-H Assistant, said that they have a teen council on both the east and west side of the County. There are currently twelve active 4-H Teen Council members.

Ms. White said that she looks at the opportunities that the kids have. She said that Anna Camp touched on going to the State Capital where they actually dressed up and sat in the legislators seats and had the opportunity to present. She said that there is a lot of opportunity these kids have with this program.

OTHER BUSINESS

Attorney Waddingham said that regarding the Fuller matter the County will need to release the bond it has with the Fullers if the purchase is finalized.

Commissioner Roper discussed some options of getting gravel to Mr. Fuller's home. He said that Mr. Fuller has been very accommodating to the County and he thinks that the County should find it somewhere in its budget to help him get some gravel.

Commissioner Smith said that it would not be a problem to amend the contract to include the County delivering gravel to Mr. Fuller.

Commissioner Withers said that he agrees that the County should help Mr. Fuller get some gravel but he thinks that the County should deliver it to him as part of the contract.

Attorney Waddingham recommended to more fully explore the options. Commissioner Roper said that if they modify the motion they could use money from the Capital Fund and have it included as part of the agreement.

Commissioner Withers made a motion to explore the option of finding five loads of gravel to be delivered to ADF holdings, based on the fact that the Fullers were accommodating when they were asked to change a few things on the purchase of the gravel pit.

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

Commissioner Withers said that during a past commission meeting they discussed the opportunity of improving the power line that runs through BLM and National Forest Service property to the Garrison area. Since that meeting, Dee Hollingshead has requested to put that project on hold until Spring. Commissioner Withers would like to look at funding for this project during the budget process. He would also like the opportunity to visit with White Pine County Commissioners to see if they would be willing to participate with some of the funding since their residents will receive the benefits from the project as well.

Commissioner Roper said that the East Millard Swimming Pool ceiling project has been completed and he thinks that it turned out nice.

Commissioner Roper attended the Miss Millard Outstanding Teen send off, where Maddi

Deloach, Miss Millard Outstanding Teen, did a great job.

He said that the commissioners were given a plate of cookies to thank them for their support. He read the note that was included with the cookies.

Commissioner Roper attended the Fillmore Planning and Zoning meeting. They discussed what the County needs to do to get the property on fourth west changed so that the County can build the Fillmore Public Health building. He said that he received three different opinions regarding the property. The chairman said that he thought it should be a CUP, the Planning and Zoning Board thought that it should be an administrative action, and the Fillmore City Mayor Eugene Larsen thought that it should be a zone change.

He is in the process of applying for a simple subdivision and then they will decide which direction they want to go.

Commissioner Withers said that he has requested to extend the CIB grant.

Commissioner Roper said that he attended meetings in Midway, Utah. They were good meetings and he learned a lot.

Attorney Waddingham said that he has the proof ready for the water rights on the golf course and needs to have Commissioner Smith sign it before a notary.

Commissioner Roper said that he is unable to attend the Six County AOG meeting tomorrow. Commissioner Smith will go in his place.

Commissioner Smith asked Dean Draper, Chronicle Progress, to report on the reading of the jury verdict from the Slavens hearing.

Mr. Draper reported that the twelve member jury had one member dismissed due to health issues.

The magistrate judge for the United States Court determined Sunday night that Mr. Slavens was denied due process. The jury was to decide whether the Board of Millard County Commissioners of 2010 had acted in good faith and whether or not they had just cause for the action that they took in terminating the contract.

He said that number twenty-nine of the jury instructions asked the jury to determine if the County had just cause and acted in good faith. The jury determined that the County had acted in good faith and had just cause in terminating the contract.

As for the due process which the judge ruled was violated, the plaintiff was awarded \$1.00 for nominal damages and the County would be responsible to pay the plaintiff's attorney fees.

Mr. Draper said that the reason the judge ruled that Mr. Slavens was denied due process was based on the United States Constitution that nobody can be deprived life, liberty or property without due process. The Court found that Mr. Slavens had a property right to the contract.

Mr. Draper said that it would be a taking against the will of the person who owns it. The rule by the court stated that it was an improper taking and due process was not followed.

He said part of that required proper notice and the opportunity to be heard in any place that they could be heard.

He said that the ruling was fourteen pages long which stated "as a matter of law" and that the

due process was completely taken out of the matter when the judge ruled on it Sunday, September 29, 2013. To his understanding, the jury was asked to rule on good faith and just cause.

Mr. Draper said the jury ruled that there were no damages caused so no damages were awarded and the County did not have to pay back wages or whatever was asked.

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

Commissioner Withers received a letter from the Central Utah Public Health Department regarding the amount of money that Millard County will be assessed for Central Utah which is \$75,546.00. He will give the letter to the auditor for filing in her office.

Commissioner Withers gave a presentation to the Delta Elementary School on how the government works. He said that it was fun to go there and spend time with the youth and hopefully help them to understand how the process works.

Commissioner Smith said that they are starting to work on the budget. They have already met with a couple of the department heads and went over their budgets. They plan to hold a special commission meeting to adopt the tentative budget on October 29, 2013.

Commissioner Smith said that he spent most of the week in Salt Lake City, Utah regarding the Slavens court case mentioned by Mr. Draper. He said that there was a number of county officials who testified and who were coming and going at the discretion of the attorney representing the County. He said that he appreciates the efforts of everyone in that process.

All three of the commissioners attended a meeting in Oak City regarding Phase I and Phase II of the project to hopefully mitigate floods in the future. He said that they discussed several different options. Also in attendance were members of the NRCS, the County and residents of Oak City. He said that when the commissioners left the meeting they left it in the hands of the residents of Oak City to see what was best for their community. The County will support what is needed to hopefully protect Oak City from future floods based on the fact that 80% of the mountain no longer contains vegetation. The Citizens of Oak City are in the process of making a plan to submit to NRCS, the County and Oak City Town Council on which way they feel, as residents, is the best way to proceed. He said that it was a good meeting and it helps to get the residents involved because they are the ones who need to protect their property. He is sure that they will come up with some good ideas.

The commissioners met with a group from IPA. They talked about the agreement and the fact that it runs out this year. The commissioners are working on the process with IPA and will continue to work with them until a resolution can be made. He said that if a new agreement can not be agreed on for next year the decision would revert to the State Tax Commission, who would assess IPA's value.

Commissioner Smith said that after receiving some training from Utah Counties Indemnity

Pool (UCIP) regarding the open meetings act, the County Commission will now have an administrative meeting from 9:00 a.m to 10:00 a.m. before commission meeting. They are hoping that by doing this they will have more official things on the agenda that require notice. They feel that this will help with having more efficient commission meetings and will help to provide more notice to the public.

POSSIBLE REVIEW OF COUNTY POLICIES AND CONTRACTS

There was none.

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

There was none.

PUBLIC INPUT

Wayne Jackson, Military Liaison, said that the Six County project with Shar Bastian went over really good. He said that they had twenty packets left for each grade school and high school, but they ran out and Delta has asked for more.

Mr. Jackson said that he is meeting with Delta City Thursday, October 3, 2013 and he wondered if there were any updates from the Commission regarding the budget on the Veterans wall.

Commissioner Smith said that they were pretty removed this week with all that was going on. They are now getting back to working on the budget. He said that they would like to work through the process and he appreciates Mr. Jackson for his patience.

Mr. Jackson said that Delta City is still interested in taking the panels from the veterans wall if the County decides to replace them. They have already started moving forward with the construction process for the new wall to be located in Delta City.

Commissioner Smith said that if the County were to include the cost of the panels in the budget it would not be approved until December. They will try to get more information to Mr. Jackson soon.

Mr. Jackson said that there is a good chunk of money coming in for Delta City's project so they will no longer need the County to fund the \$20,000 they originally asked for. He said that the County will now only need to come up with the \$55,000.00 for the panels and installation on the wall outside the court house.

Commissioner Roper suggested to have Delta City hold back on this project until it is decided that the County has the funds available.

Commissioner Smith said that they may have the funds in the tentative budget but would need to present it to the public for a response.

Mr. Jackson asked if he could be removed from the Housing Authority Committee due to conflicts of interests. He said that the Housing Authority is running smoothly now and he would be willing to suggest a name for his replacement.

Mr. Draper said that in regards to the verdict brought in by the jury, the possibility for either side to appeal remains. The granting of attorney's fees would not be paid if either side decides to appeal the decision. He said that, as he understands it, the attorney's fees would be paid by UCIP. However, pursuing an appeal on the deprivation of due process is a possibility. He said that they have thirty days to appeal. It constitutes spending County funds should an appeal be pursued. In his opinion, the appeal should be brought before the County Commission.

Commissioner Smith said that it is an option and where it is a point of law whether she may or may not be correct is something the County would need to consider.

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 12:04 p.m..

Attest: _____

Approved: _____