

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 17th DAY OF JUNE 2014
AT THE COURTHOUSE, FILLMORE, UTAH

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

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

EXCUSED: Norma Brunson..... County Clerk

ALSO PRESENT: Linda Clark Gillmor..... MEDA
Arie Van De Graaff..... Utah Association of Counties
Dean Draper..... Chronicle Progress
Nathan Ashman..... Pahvant Post
Ozward Balfour..... Viral Press
Mark Marion..... Juwi Lolar Inc./Pavant Solar
Clete Carter..... Sheriff's Office
Cassa Carter and Kids..... Citizen
Robert Dekker..... County Sheriff

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 Roper to the public and Commission members.

OPENING STATEMENTS

Commissioner Roper 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 Roper excused Clerk Norma Brunson from today's meeting.

APPROVAL OF JUNE 3, 2014 COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held June 3, 2014 were presented for consideration and approval. Commissioner Withers made a motion to approve the minutes of June 3, 2014.

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

FOLLOW UP ACTION ITEMS FROM June 3, 2014

There was none.

RATIFY THE FILLMORE HEALTH BUILDING CONTRACT WITH PAHVANT BUILDERS

Commissioner Withers made a motion to ratify the approval of the Millard County public health building contract with Pahvant Builders.

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

REVIEW AND POSSIBLE ADOPTION OF ORDINANCE 14-06-17 ON MAP ZONE CHANGE APPLICATION # Z-2014-015 FROM AG20 (AGRICULTURE 20 ACRE) TO RF20 (RANGE & FOREST 20 ACRE) FOR PROPERTY LOCATED AT APPROXIMATELY SOUTHWEST OF INTERSECTION OF W 8900 N (SHEEP TRAIL ROAD) AND N 400 W (N COATS ROAD) MCCORNICK, UTAH - FILLMORE GRID. PAVANT SOLAR, LLC - APPLICANT. MCCORNWOOD ENTERPRISES, LLC (GREG KESLER) - OWNER. 846.39 ACRES. (FOR A 50 MW SOLAR PHOTOVOLTAIC ENERGY GENERATION FACILITY)

Commissioner Smith made a motion to adopt Ordinance 14-06-17, an ordinance on a zone change application #Z-2014-015 from AG20 to RF20 for property located at approximately southwest of the intersection of W 8900 N (Sheep Trail Road) and N 400 W (N Coats Road) Mccornick, Utah - Fillmore Grid. Pavant Solar, LLC - Applicant. McCornwood Enterprises, LLC (Greg Kesler) - Owner. 846.39 Acres. (for a 50 MW Solar Photovoltaic Energy Generation Facility), based on a favorable recommendation from the Planning and Zoning Board.

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

DISCUSSION AND POSSIBLE APPROVAL OF A CONTRACT AMENDMENT WITH COMMUNITY IMPACT FUNDS REGARDING THE PUBLIC HEALTH BUILDING IN FILLMORE

Commissioner Withers explained that back in 2013 the County received a grant and a loan from the Community Impact Board (CIB) to add a public health office building onto the Fillmore Senior Citizens building. He said that later the County decided to construct a free standing building to be located at 30 N 400 West in Fillmore, Utah.

Commissioner Withers and Commissioner Roper both attended a CIB meeting in Cedar City on May 29, 2014 to discuss the County's request to change the scope of the project. The CIB granted the County's request.

Commissioner Withers said that hopefully within the next couple of weeks they will be able to begin that project. He said that they are just waiting for Fillmore City to issue a conditional use permit.

Commissioner Withers made a motion to approve the contract amendment with CIB for the public health building in Fillmore.

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

DISCUSSION REGARDING CENTRALLY ASSESSED ISSUES - ARIE VAN DE GRAAFF

Arie Van De Graaff, Utah Association of Counties (UAC), discussed centrally assessed property values and the roll that they play in the counties.

Mr. Van De Graaff said that property taxes are assessed on property values. The bigger the value your property has, the bigger the amount your property taxes will be. He said that there are two major types of property values in the State of Utah; locally assessed property values which are homes, local business, etc. and are assessed by the County Assessor's Office, and centrally assessed property values which are utilities, airlines, telecommunications, etc. and are all assessed by the Utah State Tax Commission. He said that typically centrally assessed properties run through multiple counties, which make it difficult for county assessors to assess.

Mr. Van De Graaff said that with locally assessed properties you can use the market value. Centrally assessed does not usually change hands very often. The Tax Commission uses different approaches to determine the value and then assigns a percentage on the total from each of the values to come up with a final assessment.

He explained that counties are not the only entity who receive tax dollars; the counties receive 18%, the schools receive 55%, the cities receive 14% and the special service districts receive 13%.

He said that if you have an issue with your property tax you can appeal your property value amount. Successfully appealing your property value will result in a reduced property tax to you and creates a tax shift to other property owners. Centrally assessed property owners are more successful at this than locally assessed taxpayers because they have more money to put into the appeal, it is less of a science than locally assessed properties, and they can argue more successfully for their case.

Mr. Van De Graaff said that because the counties have been concerned over this issue for a number of years they have been appealing the tax valuation of the centrally assessed values. The counties working together through UAC have appealed a number of centrally assessed values. He said that the goal is to defend the work of the Tax Commission and to protect locally assessed taxpayers from a tax shift.

Mr. Van De Graaff said that through truth and taxation the counties will still receive the same amount of tax money, but with a tax shift it is more likely that the homeowners and the small businesses will end up paying those taxes.

Mr. Van De Graaff said that this has been a struggle. The counties have had few wins because in this situation they are dealing with property owners who have a lot of funds to go after these things. However, they have been able to stem the tide somewhat and keep a tax shift from being even greater than it is now.

Mr. Van De Graaff said that last month at the May meeting of the Legislative Revenue and Taxation Interim Committee a proposal was made and introduced by a number of centrally assessed property owners which would limit the counties' ability to appeal centrally assessed values. He said that this will have the effect of giving the centrally assessed taxpayers more of a free range and will shift more of the property taxes from them to the local taxpayers. UAC feels strongly about this and wants the counties to know that they need to be engaged and recognize that this is a big issue. He said that UAC is going to do what it can to get other taxing entities, as well as locally assessed property owners concerned over this issue.

Mr. Van De Graaff said that UAC would like to propose legislation which would allow the counties to cross appeal the taxpayers appeal without losing any standing, which would greatly reduce the centrally assessed appeals.

Commissioner Roper said that they had a productive phone conference call discussing this issue and felt that there was positive information brought at that time. They discussed the commissioners going to the State Legislature. He said that once centrally assessed properties are appealed to the State Tax Commission they need to let the counties know. They discussed the amount of concern that may come from this issue once brought to the Legislature's attention.

Mr. Van De Graaff said that UAC is considering hiring a contract lobbyist to work primarily on this issue to lobby the Legislature. He said the reason this is an option is because the lobbyists can dedicate more time to this issue than the elected officials can since they may all have full time jobs and do not have time to be at the legislature 45 days a year during the session. He said that a decision has not been made yet but it is something that is being considered.

Commissioner Roper said that he feels that the elected officials could handle much of this because they are willing to be involved. There is great support in the southern rural counties in meeting with legislators and in writing and sending petitions to the Legislature.

Mr. Van De Graaff said that he agrees. He said that the legislators from rural Utah are rarely the problem when they run into challenges at the legislature, due to them having a good working relationship with their county commissioners.

Commissioner Smith said that they support UAC going through with this effort. It is an important issue to Millard County because 70% of the property in Millard County is centrally assessed. The County has been involved with a number of appeals with entities in the County. This has a huge impact on the schools who will lose a lot of money and the shift will fall to the rest of the county taxpayers. He said that this will take an effort from all different angles.

Commissioner Smith said that there are other issues they agree on and can show support on. There is a lot of misconception because the Utah State Taxpayers Association is being run and chaired by individuals who support large companies. This is a huge battle. The counties may lose in the appeal, but they might gain if they protest. He said that they need to fight it at whatever level they can.

Mr. Van De Graaff said that UAC is committed, as an association, to the fight.

REVIEW AND POSSIBLE APPROVAL OF THE BUSINESS EXPANSION & RETENTION

(BEAR) GRANT APPLICATION FOR YEAR 2014-2015

Linda Gillmor, Millard County Economic Development Association (MEDA) Director, said that in years past the program has been more flexible on how the County can use the BEAR funds. She gave examples of what the County used the funds for last year. She said that MEDA feels like they have done a lot of good work with the program so far.

She said that this year the program wants the counties to focus more on BEAR visits. This year MEDA asked the program for \$33,275.00. Last year they asked for \$27,500.00 and will be focusing on BEAR visits. She said that in order to do 200 BEAR visits they will need to hire someone which they will go through a temp agency. The person they hire will be paid through the BEAR program. The County will not have to compensate this person.

Ms. Gillmor said that they visited with businesses who may apply for fast grants. There are two businesses, that she is aware of, who would qualify for a fast grant in the amount of \$50,000.00. She said that these are types of things that the BEAR program brings to the attention of businesses who may not have known about the program.

She said that the State is wanting the counties to come up with a top economic development priority and pick a cluster of businesses that have potential for growth. The one the County chose was a "Wise use of Millard County's energy resources and the creation of an energy hub."

She said that the MEDA helped them go through the process and put it in the format of a general plan, which was required by the State. If this is something the County is interested in they will take it back to the Planning and Zoning Board and add this to the economic development general plan.

Commissioner Roper said that he sees the value of hiring a part time person which is something that pays for itself.

Ms. Gillmor explained that the program allows them \$125.00 per visit and only a portion of that would go towards the visit. The other portion would go to the follow up work and things that may be necessary to go through the process. Basically it would not cost the County any money to hire someone, but by doing so it would put more money into the economic development fund. If they could do 200 visits it could bring a lot of money to the County.

Commissioner Smith said that there has been good value in the past with this program. There have been businesses who have taken advantage of and use this information. The costs are covered and there is a benefit to the local businesses. He said that he feels it is a good idea to continue with the program.

Commissioner Smith made a motion to approve the BEAR grant application for year 2014-2015.

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

COMMUNITY IMPACT BOARD FUND (CIB) APPLICATION DISCUSSION

Ms. Gillmor said that the extraction companies in Utah are those who extract and sell oil, gas, and coal, etc. She said that there is a fee which is paid to the State and goes back to the

communities, for any entity who will be extracting those resources for profit.

Ms. Gillmor read the description of the project from the CIB application regarding proposed natural gas projects in Millard County. She said that the County has offered to put in \$931,000.00 and are asking for a total of CIB funds of \$3,000,720.00 making the total project cost \$4,651,000.00. They are asking for a loan in the amount of \$2,789,000.00 at a zero rate interest, and a grant in the amount of \$931,000.00. She said that the grant amount will match the County's contribution.

Commissioner Smith said that the money put up by the County will be paid back over time by the people in the service areas through assessing a tax. This will be paying back the loan to the CIB and the County for the money it had to put up to get the grant.

PERMANENT CIB PUBLIC HEARING

Commissioner Smith made a motion to enter into a public hearing for the purpose of receiving public comment on the CIB application for the natural gas project in Millard County.

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

Present were Linda Gillmor, Brandy Grace, Dean Draper, Nathan Asman, Oswald Balfour and Mark Marion.

Commissioner Roper called the public hearing to order at 10:48 a.m..

Commissioner Smith said that the County has been working on this project for a number of years. They have been doing the work and lobbying the legislature and the Governor's Office of Rural Development to see if they could come up with a feasible project that was cheaper than what was originally looked at. It has taken more time and the citizens have been patient while they go through the process to make it as feasible as possible. The process takes time to make sure that it is a successful project. He said that he appreciates Ms. Gillmor and all the hard work she has done. If the grant is approved they would have to hold public meetings within the communities.

Ms. Gillmor said that the communities have to decide if they will accept this opportunity.

Commissioner Roper said that it is a great value to the residents of Millard County who currently do not have natural gas in their homes. It is also a great opportunity economically for businesses to have as well. He said that he too appreciates Ms. Gillmor. He has seen Ms. Gillmor at her very finest over the last year as she has worked on this project.

There were no other comments made.

Commissioner Withers made a motion to go out of the public hearing.

Commissioner Smith **SECONDED** the motion. The voting was unanimous and the motion carried. The public hearing closed at approximately 10:51 a.m..

The regular meeting reconvened.

Commissioner Withers made a motion to reconvene the meeting.

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

Ms. Gillmor said that a meeting date has been set for August 7, 2014. They will invite the representative from Zions Public Finance and Questar Gas. She said that this is the first time that an application has gone through and the CIB has requested this.

OTHER BUSINESS

Auditor Grace presented the 2014 Final Tax Report which identifies the properties that were sold and who purchased them. If they were not purchased they would become the property of the County. These deeds will be recorded and sent to the purchaser.

Commissioner Withers made a motion to accept the 2014 Final Tax Sale report and have the deeds recorded in the names of those who purchased the property.

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

Commissioner Withers said that at a previous meeting the Commission discussed the possibility of approving a purchasing card for Terry Scottorn. At that meeting it was discussed that the Weed Board should make that decision.

The Weed Board has made the decision to recommend approving a purchasing card in the amount of \$2,000.00 for Mr. Scottorn. They did not think that \$1,000.00 would be enough for him to get the supplies needed.

Commissioner Withers made a motion to approve a credit card in the amount of \$2,000.00 for Terry Scottorn in the Weed Department.

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

Commission Smith said that Steve Styler will serve on the Millard County Golf Committee to replace Craig Young who is now moving out of the area.

Commissioner Smith made a motion to appoint Steve Styler to serve on the Millard County Golf Committee to replace Craig Young.

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

Commissioner Roper said that he received the final plat map for Deseret Heritage Association Subdivision. He said that the County has not yet made a decision on the bond for this project.

Attorney Waddingham recommended to add some language to the interim ordinance which will help clarify bonding requirements. He said basically the improvement bond is for any property dedicated to Millard County and for this project the road is not an issue and will not matter on this particular subdivision. He said that there is some conflict in the ordinance dealing with bonding which the Planning and Zoning Commission will need to work on.

This discussion will be brought back to the next commission agenda.

Commissioner Withers presented a Cooperative Forest Road Agreement between Millard County Road Department and the USDA, Forest Service for review and approval. This is a contract the County renews every year for road maintenance on some of the roads located in the National Park above Fillmore.

Commissioner Smith said that the County has had a great working relationship with the Forest Service in maintaining these roads for years and he appreciates that relationship.

Commissioner Withers made a motion to approve the Cooperative Forest Road Agreement between Millard County Road Department and the USDA, Forest Service and give the chair the authority to sign it and return it to the Forest Service.

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

DISCUSSION AND POSSIBLE APPROVAL OF A CONTRACT WITH THE DEPARTMENT OF AGRICULTURE, ANIMAL INDUSTRY FOR BRANDING

Commissioner Smith said that the State provides this service to our livestock people and the County budgets for this every year.

Commissioner Withers made a motion to approve a contract with the Department of Agriculture, Animal Industry for branding services for Millard County.

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

PUBLIC INPUT

There was none.

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

Commissioner Roper said that the County received a bid from two different companies for workers' compensation. One was from UCIP and the other was from Utah Local

Government Trust. Utah Local Government Trust's bid was about 10% less than UCIP's bid, but because of the relationship the County has with UCIP and the benefit and advantage of having UCIP the County decided to continue with workers' compensation through UCIP.

Commissioner Smith said that the County basically wanted to give notice to UCIP letting them know that the County asked for bids from other entities, but feels that it is still a good value to continue with UCIP.

Commissioner Roper said that the County authorized a letter to be written to UCIP letting them know that the County recognizes that UCIP presented a higher bid, but the County would like UCIP to feel accountability of where they are at and to realize that there is accountability in their bids.

Commissioner Roper explained that the County applied for a conditional use permit (CUP) with Fillmore City for the Millard County Public Health Building. The commissioners will appear before the Fillmore City Planning and Zoning Commission on June 26, 2014 to get the CUP approved.

Commissioner Roper said that the Commissioners had a meeting last Wednesday with all the intended parties, the building inspector, Fillmore City, the contractor and everyone who will be providing utilities to the building. It looks like everyone is set to go and everyone is on the same page. Construction should begin shortly after receiving the CUP.

Commissioner Smith participated in the Meet the Candidates Night both in Fillmore and Delta. He said that he really appreciates the Chamber of Commerce for hosting those. He said that he always enjoys meeting with the public.

Commissioner Smith said that the rodeo was a good success. There seemed to be really good crowds each of the three nights and even good weather.

Commissioner Smith said that he attended a conference call with other counties and attorneys who are engaged in the centrally assessed issues. He said that the County will continue to engage in that issue as well.

Commissioner Withers received a letter from the Church of Jesus Christ of Latter Day Saints regarding renewing the 20 year lease they have with the County for the use of the church softball fields located at the west end of Fillmore. He said that there is nothing that needs to be signed he just wanted to have it on the record that it has been renewed.

Commissioner Withers said that the rodeo was a great event for the County. The volunteers who spend their time and money to participate in all the activities of the County do a great job. He said that all of the volunteers are great assets to the County.

Commissioner Roper reminded everyone of the ATV Jamborall this week. He said that there will be a lot of good rides, good meals and some great bands playing at this event. It will

be a good activity and it will start Tuesday, June 24, 2014 and will go through to Saturday, June 28, 2014.

Commissioner Roper said that Miss Millard Sierra Blad is competing for Miss Utah this week at the Capital Theater in Salt Lake City, Utah. He said that the County is excited for her and looks forward to her success.

PRESENTATION OF AN AWARD TO DEPUTY CLETE CARTER - SHERIFF DEKKER

Sheriff Dekker presented Deputy Clete Carter with a Medal of Valor for his bravery and going above and beyond his call of duty.

He said that Deputy Clete Carter was the first deputy on the scene of a fire call on December 11, 2012. He assisted a 66 year old female victim out of her home and found that she needed oxygen. Deputy Clete Carter reentered the smoke filled home to retrieve her oxygen bottle, knowing that the EMS was moments away. While doing so, the female victim went into cardiac arrest when the fire department arrived and CPR was initiated. The female victim was transferred to the hospital for further treatment. Deputy Carter went down and required medical attention from smoke inhalation himself from going back into the smoke filled home to retrieve the female victim's oxygen to try to save her life.

Sheriff Dekker said that Deputy Carter did not need to do that but he chose to and that is exemplary work, on his part, and shows his willingness to serve the people of Millard County.

Deputy Carter said that he appreciates the Sheriff for doing this.

Sheriff Dekker presented the approved cell phone allowance form for Jason Ashby in the amount of \$40.00 for the Commission to sign.

POSSIBLE REVIEW OF COUNTY POLICIES AND CONTRACTS

There was none.

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

Commissioner Withers made a motion to go into a closed session to discuss pending and/or reasonably imminent litigation.

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

After the closed session the regular meeting reconvened at 11:35 a.m..

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

The Commissioners discussed upcoming meetings that they will be attending.

WHERE UPON THE MEETING ADJOURNED

Commissioner Smith made a motion to adjourn the meeting.

Commissioner Withers SECONDED the motion. The voting was unanimous and the meeting adjourned at 11:37 a.m..

Attest: _____

Approved: _____