

MINUTES OF BOARD OF COUNTY COMMISSIONERS  
MILLARD COUNTY THE 1st DAY OF JULY 2014  
AT THE COURTHOUSE, FILLMORE, UTAH

PRESENT: Alan M. Roper..... Chairperson  
Daron P. Smith..... Commissioner  
  
Richard Waddingham..... County Attorney  
Norma Brunson..... County Clerk  
Marki Rowley..... Deputy County Clerk  
  
EXCUSED: James I. Withers..... Commissioner  
  
ALSO PRESENT: Hannah Jones & Dean Draper..... Chronicle Progress  
Wayne Jackson..... County Liaison  
Eugene Larsen..... Fillmore City Mayor  
Zane Pentz..... Sunrise Engineering  
Robert Dekker..... County Sheriff  
Peter Greathouse..... Millard County GOP Chairman  
Brandy Grace..... County Auditor  
Connie Hansen..... County Recorder  
Pat Manis..... County Assessor  
Chelton Spendlove, Morris Burton & Forrest Roper . . . . County Sheriff's Office  
John Hansen..... County Treasurer  
Scott Blackburn, Steve & Adele Maxfield, TJ Lovato,  
Todd MacFaarlane, Dennis Whitaker & Jim Dyer..... Citizens

Note: Not all agenda items were followed in order.

PURSUANT TO AN AGENDA WHICH HERETOFORE HAD BEEN PROVIDED TO each member of the governing body, posted at the principal office of the Millard County Commission, posted on the Utah Public Notice Website, and provided to the Millard County Chronicle Progress, a newspaper of general circulation within Millard County, Utah, as required by law, the following proceedings were had:

PUBLIC WAS WELCOMED

The meeting began at 10:00 a.m. after a brief welcome by Commissioner Roper to the public and Commission members. Commissioner Roper excused Commission Withers from today's meeting.

OPENING STATEMENTS

Commissioner Roper asked if anyone had an opening statement to give. Commissioner Smith said the invocation. Everyone stood and said the Pledge of Allegiance to the Flag.

#### APPROVAL OF JUNE 17, 2014 COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held June 17, 2014 were presented for consideration and approval. Following review and consideration of minor corrections, Commissioner Smith made a motion to approve the minutes of June 17, 2014, as corrected pending the County Attorney's corrections.

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

#### FOLLOW UP ACTION ITEMS FROM JUNE 17, 2014

Commissioner Smith said that last commission meeting the Commission discussed the LDS church sending a renewal lease for the property that the County leases from them for \$10.00 a year. They also included a water bill in the approximate amount of \$7,000.00 which is for several years. Commissioner Smith suggested to contact the Church and let them know to send the monthly water bill to the County. He also suggested to look into seeing if the County has paid any of the water bills in the past.

Commissioner Roper said that the conditional use permit was issued by Fillmore City for the Millard County Public Health Building which will be located in Fillmore.

#### RATIFY THE APPROVAL OF A CREDIT CARD FOR TERRY SCOTTORN, WEED DEPARTMENT

Commissioner Smith made a motion to ratify the approval of a credit card for Terry Scottorn, Weed Department.

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

#### RATIFY THE APPOINTMENT OF STEPHEN STYLER TO SERVE ON THE MILLARD COUNTY GOLF COMMITTEE

Commissioner Smith said that Craig Young notified the Committee that he will be moving out of Delta City. Commissioner Smith said that he spoke to Steve Styler who is willing to serve in Mr. Young's place.

Commissioner Smith made a motion to ratify the appointment of Stephen Styler to serve on the Millard County Golf Committee.

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

## DISCUSSION AND POSSIBLE APPROVAL OF A BUSINESS LICENSE FOR SNOW X, INC., OWNER - JEREMY HAIR

A business license application was presented for Snow X, Inc., Owner - Jeremy Hair, a business that distributes manufactured snowmobile parts to dealerships via online sales. After review of the application and finding all signatures in order, Commissioner Smith made a motion to approve a business license for Snow X, Inc., Owner - Jeremy Hair.

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

## DISCUSSION AND POSSIBLE APPROVAL OF RETIREMENT AND 401K RATES.

Commissioner Smith said that the County received the increase amounts from the State for retirement and 401K rates. He said that based on the State's mandated amounts the County rates will increase by 1.18% for non public safety employees retirement, and by 1.90% for public safety employees, which will be effective July 1, 2014.

He said that the 401K contribution will increase by .72% to keep everyone in the same parity. The amount that is set by the state for retirement is mandated but the amount for 401K is discretionary. He said that in the past the County has tried to keep it even to treat all the employees equal.

He explained that sometimes they have done less in the 401K in years that the County has considered a cost of living adjustment (COLA) for the employees.

Commissioner Smith suggested to cut back the amount contributed to the 401K and consider doing a 2% COLA to offset since they did budget a mid year COLA. He said that they did not offer a COLA at the first of the year because there was some question as to whether or not the County would receive certain funding and they wanted to make sure the funding was received before offering a COLA.

Auditor Grace said that she did verify that there is \$120,000.00 in the budget for pay plan adjustments. She said that the retirement rates have to be approved today, but the COLA can be decided at any time.

Commissioner Smith said that his motion would depend on whether or not the County is going to offer a COLA or not.

Commissioner Smith made a motion to table the approval of the 401K rate contribution until Auditor Grace comes back with further information.

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

Later, Auditor Grace said that the 401K rate can be adjusted at anytime.

Commissioner Smith made a motion to set the retirement rate based on the State's mandated amount by increasing the public safety employees rate by 1.90% and the non public safety employees

by 1.18% and to wait on setting the 401K contribution until a discussion regarding a COLA can be had when Commissioner Withers returns.

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

#### DISCUSSION AND POSSIBLE ACCEPTANCE OF A BID WITH FRONTIER COMMUNICATIONS TO REPLACE THE PHONE SYSTEM IN BOTH COUNTY OFFICES IN DELTA AND FILLMORE.

Commissioner Smith said that they have had a few meetings with Frontier Communications on redoing the phone system both in the Delta and Fillmore County offices. He said that they have been able to get the cost down quite a bit by going over what they really need and what is extra. He said that they are pretty close, but there are still a few issues that they need to work out including the warranty cost being paid up front or on a yearly basis. He said that Richard Beckstrand, Millard County IT, and Sheryl Dekker, Office Manager in Delta County Office, have also been involved in this process.

Commissioner Smith said that Frontier replaced the phone system in the Public Safety building and this will be a part of the maintenance service with that contract. He feels that Frontier is the best choice and the County will get the best service from them.

Commissioner Smith made a motion to approve the bid with Frontier Communications to replace the phone system in both county offices in Delta and Fillmore.

Commissioner Roper questioned if there was anymore discussion needed regarding the maintenance agreement. Commissioner Smith explained that they just need to see if they want to budget the cost for the maintenance as a yearly payment or pay it all up front. He said that if budgeted yearly it would be split out with each office involved. He said that he would like to visit with Mr. Beckstrand and get his input before making a decision. It was suggested to table this item for the next meeting.

Commissioner Smith withdrew his motion and made a motion to table this agenda item and bring it back to a future meeting.

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

#### DISCUSSION REGARDING PERSONAL PROPERTY ACCOUNTS NOT FILED - ASSESSOR'S OFFICE

Assessor Manis asked if they could delete the personal property tax accounts that fall under the exemption amount of \$10,000.00. He said that at the end of the filing period of May 15, 2014 they had about 30 accounts who had not filed their personal property taxes. He said that his office spent some time contacting those business to try and determine values.

He presented a list of 10 businesses who have value so small that they would be exempt from paying any taxes and asked to add those business accounts to the delete list. He said that his office has estimated a value and sent a bill to the other 20 accounts.

Commissioner Smith made a motion to add the 10 business accounts presented, to the list of accounts that have been deleted from the 2014 personal property accounts, since their value is under \$10,000.00.

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

#### DISCUSSION REGARDING DESERET HERITAGE ASSOCIATION BOND ISSUES

Attorney Waddingham said that if the Deseret Heritage Association wants to sell lots, one option would be that they would have to put up surety representing 125% of the cost of improvements. The Association chose not to do that, but instead chose to put in all of the improvements before selling any lots, which is acceptable under the County's ordinance.

He said that after they are done putting in the improvements they would have to come back to the County for final approval before the final plat can be recorded. He said that a possible improvement warranty can be decided at that time.

Commissioner Smith said that the Association has started putting in the improvements. It was suggested to get a letter from the utility companies and the public health department signing off on the improvements before a final plat can be recorded.

Commissioner Smith said that the question was if the County would require 10% surety on top of that, which would be held by the County for one year. He said that it would be in the County's best interest to do that. Attorney Waddingham said that the 10% surety would be for the warranty period and can be determined once it is brought back to commission.

#### OTHER BUSINESS

Commissioner Smith made a motion to waive 50% of the fee for use of the West Millard County Indoor Arena for the Millard County Horse Council and Delta Barrel Association on behalf of a 4-H benefit, which is consistent with what the County has done in the past.

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

Commissioner Roper received the Fuller Family Farm's final plat on their subdivision. He said that it was approved a few meetings ago to accept once it is completed. He presented it to Attorney Waddingham for inspection before signing it.

Commissioner Roper said that he met with Linda Gillmor, Millard County Economic Development (MEDA) Director, Jonathan Ward, Zions Bank, and Susy Becker. They also invited local taxing entity representatives from the County, i.e. the mayors, the school board members and MEDA. They discussed the opportunity of an economic development of CDA tax incentives community development areas. He said that it was very informative on what is possible and what the availability is to the area.

He said that with all of the gas companies coming in and looking at bring gas to certain parts of the County they felt that it was important to bring everyone on board with this. He said that he appreciated those who were in attendance.

Commissioner Roper said that he and Commissioner Withers met with Judge Haveron to look at options of possible upgrades in her courtroom. They solicited some bids for some of the work. As soon as they receive those bids they will make a decision.

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

Commissioner Smith reported that the BMX track in Delta is almost complete other than needing a gate. He said that Delta City donated the loader for moving the dirt, which was also donated. He said that there were a lot of volunteers who helped build the track and most of the work was done after hours. He said that he appreciates Cherish Works. He does not think they got as much done because she had to cover the post office due to a death of one of its employees. He said that gentleman was his mailman and he appreciated his friendly service everyday and his death was a loss to the community.

Commissioner Roper said that there was a race a few weekends ago. There were some complaints due to how late it lasted. He said that he met with Kevin Morris, West Millard Maintenance, to see what they could do to stay under the 11:00 p.m. curfew that Delta City has for their noise ordinance. He said that there was a good turnout and there were some local folks who did really well.

Commissioner Smith attended a mental health meeting in Richfield, Utah. He said Millard County's contribution to them will be increasing next year. He said that he gave the Auditor's Office those figures so that it will be included in next year's budget. He said that he appreciates those people and the service that they provide. They do a great job.

Commissioner Smith attended the Summer Utah Association of Counties (UAC) Conference at Thanksgiving Point. They talked about the centrally assessed issue and got the full support from UAC to move forward in hiring a lobbyist and having UAC expend more of its resources in fighting that issue. They also discussed transportation issues and assessment areas. They received a review from Attorney Mark Ward on UAC filing an amicus brief on the lawsuit against BLM on the wild horse issues. He said that he thought it was interesting that someone in Nevada filed a petition to put the wild horses on the endangered species list. The problem is that there are too many of them and he is sorry to see that.

They spent a lot of time discussing the definition of waters of the United States and the new EPA ruling that came out. He said that UAC is united in lobbying congressional folks to make sure that those changes do not happen. He said that there is a comment period.

They discussed sage grouse listing and some of the legislative trends at the Capital.

Commissioner Smith said that Magnum Gas received its permits from OSHA and MRSHA so now people can visit the site after checking in with the front gate. He said that they hired 8 or 9 employees and are doing very well.

Commissioner Roper said that they are waiting for input from Attorney Waddingham

regarding the Catch Basin Agreement with the Forest Service. Commissioner Smith said that Attorney Waddingham gave him a letter with some of his concerns. Commissioner Roper said that Attorney Waddingham has given some recommendations to the permit. This permit issue will be discussed at a future commission meeting for possible approval.

Commissioner Smith made a motion to take a short recess.

Commissioner Roper stepped from the chair and SECONDED the motion. The voting was unanimous and the motion carried. The meeting recessed at 10:51 a.m..

Commissioner Smith made a motion to reconvene the meeting.

Commissioner Roper stepped from the chair and SECONDED the motion. The voting was unanimous and the motion carried. The meeting reconvened at 11:12 a.m..

#### DISCUSSION REGARDING A POSSIBLE SPLASH PAD - FILLMORE CITY MAYOR EUGENE LARSEN

Fillmore City Mayor Eugene Larsen discussed with the commission the possibility of putting in a splash pad. They discussed possibly putting it in near the pool. He said that they discussed the option of putting it at the North Park but felt due to safety issues it would be better to have it in town rather than out by the freeway.

They also discussed the concern of whether it would affect the pool numbers. Mayor Larsen said that they do not want to hurt the pool in anyway. He spoke with Terry Cummings, East Millard Swimming Pool, and she feels that it would actually help the pool. He also discussed it with Carl Camp, Statehouse Museum, and he too feels that it would be a good addition to the area.

Mayor Larsen said that Fillmore City is trying to get a grant to pay for the splash pad and asked if Millard County would be willing to partner with Fillmore City on this project. He said that it will have a self sustained water tank which requires little to no maintenance.

The Commissioners said that they are open to the idea but would like to talk with Max Wood, West Millard Recreation, to see if the splash pad in Delta has affected the numbers on the West Millard Swimming Pool before making a decision.

#### PRESENTATION OF THE UTAH HONOR FLIGHTS PROGRAM - DAN CURTIS

Dan Curtis discussed the Utah Honor Flights Program with the Commission. He gave a brief introduction of himself. He said that he is the one who put the honor flights program together. He gave a brief history of what he did with the honor flights and how the program works.

He and the commissioners discussed what the County could do to help the veterans who want to participate.

After discussion the Commissioners said that they would work with Wayne Jackson, Millard County Military Liaison, on seeing what they could do to help.

#### OTHER BUSINESS CONTINUED

Commissioner Roper said that Miss Millard Sierra Blad was a contestant for Miss Utah.

Though she did not win she represented Millard County very well.

Commissioner Roper said that Matt Bowles, East Millard Recreation Director, has resigned his position and the commissioners will look at replacing him.

Commissioner Roper said that the Natural Resource Summit will take place tomorrow and will be held at the Koosherm State Park.

#### PUBLIC INPUT

There was none.

#### 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.

Commissioner Smith made a motion to recess for lunch.

Commissioner Roper stepped from the chair and SECONDED the motion. The voting was unanimous and the motion carried. The meeting recessed at 11:48 p.m..

#### NOON LUNCH BREAK

Commissioner Smith made a motion to reconvene the meeting.

Commissioner Roper stepped from the chair and SECONDED the motion. The voting was unanimous and the motion carried. The meeting reconvened at 1:02 p.m..

#### CANVASS OF THE JUNE 24, 2014 PRIMARY ELECTION

Commissioner Roper explained that Commissioner Withers is excused and Treasure Hansen is authorized to take his place as a canvasser.

Clerk Brunson explained the canvass and what the Clerk is responsible to bring to the canvass.

The Commissioners conducted the canvass for the June 24, 2014 Primary Election.

Commissioner Roper said that as commissioners they have canvassed the election and have found that everything seems to be in order.

Clerk Brunson read the official results of the June 24, 2014 Primary Election. *See*



*attachment.*

Commissioner Roper thanked everyone for being here today and taking an interest in this election process.

WHERE UPON THE MEETING ADJOURNED

Commissioner Smith made a motion to adjourn the meeting.

Commissioner Roper stepped from the chair and SECONDED the motion. The voting was unanimous and the meeting adjourned at 1:58 p.m..

Commissioner Smith made a motion to reconvene the meeting.

Commissioner Roper stepped from the chair and SECONDED the motion. The voting was unanimous and the motion carried. The meeting reconvened at 2:12 p.m..

Commissioner Roper said that they wanted to reconvene the meeting to make a clarification. Attorney Waddingham read the statutory provision from code 20(A)-4-304, Declaration of results - Canvassers' report, which states that each board of canvassers shall: declare "elected" or "nominated" those persons who had the highest number of votes and sought election or nomination to an office completely within the board's jurisdiction. He said that it has already been declared who had the highest number of votes and who sought election or nomination to an office completely within the board's jurisdictions and that there were no ballot propositions and nothing was rejected. He suggested to clarify that the highest number of votes were for persons who are nominated to run in the general election.

Commissioner Smith declared that the candidates who received the most votes stated by the County Clerk in commission meeting are being nominated as candidates for their respective party.

Commissioner Smith made a motion to adjourn the meeting.

Commissioner Roper stepped from the chair and SECONDED the motion. The voting was unanimous and the meeting adjourned at 2:13 p.m..

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

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