

MINUTES OF BOARD OF COUNTY COMMISSIONERS  
MILLARD COUNTY THE 18th DAY OF NOVEMBER 2014  
AT THE COURTHOUSE, FILLMORE, UTAH

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

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

ALSO PRESENT: Dean Draper . . . . . Chronicle Progress  
Wayne Jackson . . . . . Millard County Liaison  
Bart Whatcott . . . . . East Millard Recreation Director  
Chad Booth . . . . . County Seat TV  
Kim Quarnberg, Steve Maxfield & Todd Macfarlane. . . . . Citizens

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

PUBLIC WAS WELCOMED

The meeting began at 10:00 a.m. after a brief welcome by Commissioner 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.

APPROVAL OF THE SPECIAL MEETING OF OCTOBER 30, 2014 COMMISSION MINUTES

The proposed minutes of a Special County Commission meeting held October 30, 2014 were presented for consideration and approval. Following review and consideration of minor corrections, Commissioner Withers made a motion to approve the minutes of October 30, 2014, as corrected.

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

APPROVAL OF NOVEMBER 4, 2014 COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held November 4, 2014 were presented for consideration and approval. Following review and consideration of minor corrections, Commissioner Withers made a motion to approve the minutes of November 4, 2014, as corrected.

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

#### FOLLOW UP ACTION ITEMS FROM NOVEMBER 4, 2014

Commissioner Withers questioned why the County is not utilizing the grass areas at the Fillmore Elementary and Middle Schools for soccer. Commissioner Smith explained that the County had discussed this option with the School Board in the past and at one point the County did budget for a new soccer field.

Mr. Whatcott said that a few years back the County approached the school to see if they could use the lawn areas at the schools for soccer. They found that the lawns are pretty bumpy and would need to be rolled out so that the kids wouldn't hurt their ankles. Principal Richardson asked that they do not roll the fields due to the shallowness of the sprinkler system. The County budgeted for a new soccer field at that point.

The County contemplated using the field across the street from the elementary school. The only problem with that field is that it does not meet the requirements for a high school soccer game.

Mr. Whatcott said that he has been told several times that people would have games and hold tournaments on the field if they were to find one big enough.

Mr. Whatcott said that there has always been contention between the people who want to ride horses on the track and those who want to play soccer on the field which is currently located in the middle of the horse race track.

The commissioners and Mr. Whatcott discussed other potential areas for a soccer field. Commissioner Roper said that the City may donate land to the County located near the ball park complex, which already has restroom facilities. Commissioner Withers suggested that the County try to utilize what it already has.

Commissioner Smith suggested to go to the school district to see what it can offer in help with the soccer field. He said that the school should have some place for the students to play soccer and the County may help with getting the field ready, but it should be the school district's responsibility since it would be the school kids who will be using it.

#### RATIFY THE APPROVAL OF ABATING PROPERTY TAXES FOR A CITIZEN

Commissioner Smith made a motion to ratify the approval of abating Penney Young's property taxes 50%, based on income.

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

#### DISCUSSION AND POSSIBLE APPROVAL OF THE STATE OF UTAH DEPARTMENT OF ADMINISTRATIVE SERVICES DIVISION AND FACILITIES CONSTRUCTION AND MANAGEMENT AMENDMENT TO LEASE AGREEMENT

Attorney Waddingham suggested some language changes be added to the lease agreement for the Adult Probation and Parole (AP&P) office lease agreement.

Commissioner Smith made a motion to approve the State of Utah Department of Administrative Services Division and Facilities Construction and Management amendment to lease agreement for AP&P offices.

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

#### DISCUSSION AND POSSIBLE APPROVAL OF THE AMENDED EAST MILLARD EQUESTRIAN PARK POLICY - BART WHATCOTT, EAST MILLARD RECREATION DIRECTOR

Mr. Whatcott and the commissioners discussed proposed changes to the equestrian park policy.

Commissioner Withers made a motion to table the approval of the amended East Millard Equestrian Park Policy and bring it back as a resolution.

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

#### REVIEW AND POSSIBLE APPROVAL OF A MINOR SUBDIVISION APPLICATION #Z-2014-042 FOR PROPERTY LOCATED AT 1855 N 500 W, DELTA GRID. GIBSON LEWIS AND SHILOH LEWIS - APPLICANTS. DELTA LAND HOLDING COMPANY, LLC - OWNER. RECOMMENDATION IS SUBJECT TO WATER RIGHT BEING TRANSFERRED FROM DELTA LAND HOLDING COMPANY, LLC TO LEWIS & SHILOH GIBSON. ALSO, SUBJECT TO ROAD EASEMENT TO BE DEEDED IN PERPETUITY

Commissioner Smith said that the Planning and Zoning Board made a favorable recommendation, based on conditions that a building permit will not be issued until the water right has been transferred and an easement is recorded to access the acre of property on which they will be building.

Commissioner Smith made a motion to approve a minor subdivision application #Z-2014-042 for property located at 1855 N 500 W, Delta grid. Gibson Lewis and Shiloh Lewis - Applicants. Delta Land Holding Company, LLC - Owner. Recommendation is subject to water right being transferred from Delta Land Holding Company, LLC to Lewis & Shiloh Gibson, based on the following conditions: a building permit will not be issued until the water right has been transferred and an easement is recorded to access the acre of property.

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

#### COUNTY SEAT TV UPDATE - CHAD BOOTH

Chad Booth gave a brief update of the program and said that they now have 19 counties supporting the program. The cost to run the program is spread out over all the counties involved. He said that this is the first year that they have hit the costs to produce the show. The deficits in the years leading up to this have accrued to about \$120,000. He said that he believes in the program and feels that it is vitally important so he has plowed ahead in doing the program. He said that they have accumulated a wide base of fans who are considered to be important. They have received endorsements from the Governor, NACo, some of the senators, legislators and congressmen. He said that BLM also monitors the show.

Mr. Booth said that they have done the show for four years and have been recognized 5 times for the excellence that they bring to the production of the program. He is hoping to add an additional county this year which will leave Summit County and Wasatch County as the only two counties who currently do not participate with the program.

Mr. Booth said that in his visit here today, he wanted to make sure that he is not missing anything that they need to be discussing on the program and asked the commissioners if they are aware of some issues that they are not hearing. Commissioner Withers said that the water issue coverage the program did has really benefitted the County. He questioned the program from a financial point and said that as budgets become tighter they want to see where they can get the biggest bang for their buck. He also said that he wishes that they had a better time spot than Sunday at 8:30 a.m.. Mr. Booth said that Sunday is actually a good day to air the program since people are already primed for news discussions on Sundays.

Commissioner Roper said that he feels that the program has served the County well. He feels that the program is good, and if the County has issues Mr. Booth and his team will get right on them. His only concern is the budget.

Mr. Booth said that he hopes that the County will continue to participate at some level. He appreciates and values the support of the County and being able to speak freely with the topics on the program.

The commissioners discussed some of the issues that they would like to have aired on the program including: water issues, economic development opportunities and compressed air and more.

## PUBLIC INPUT

Wayne Jackson said that they had a full house and a great turnout for the dedication to the veterans wall.

Mr. Jackson went over some issues he had with the billing received from Colonial Flag for the veterans wall. He said that he subtracted the amounts he did not agree with from the bill and presented it to the Auditor's Office for payment.

Mr. Jackson said that the wall looks good. He said that he was impressed with Colonial Flag's willingness to fix things on the wall and he would use their services again.

He explained that the change in the amount was due to the etching, not the panels. Colonial Flag still owes the County four additional panels. He said that they have found a lot of missed names of veterans who were killed in action and they will be adding those names to the wall.

Kim Quarnberg from Scipio said that a few years ago he was having health problems that continued into 2011. He said that this caused him to get behind on his property taxes for his home. He explained his situation and said that he is trying to remedy his situation by refinancing his home. He has been approved for the loan and in order to keep his closing costs affordable he asked if the County would be willing to waive the penalties and interest.

Commissioner Smith said that in the past the County has waived the penalties and interest if the taxpayer will pay the full amount of the taxes owed by a specific date, which Mr. Quarnberg has agreed to do.

Commissioner Withers made a motion to abate the penalties and interest on Mr. Quarnberg's property taxes as long as the taxes are paid in full within the next 30 days.

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

This item will be ratified at the next commission meeting.

## OTHER BUSINESS

Commissioner Withers said that there is a water hearing in Carson City, Nevada on December 12, 2014 regarding Snake Valley Water issues. The commissioners discussed having Attorney Mark Ward and one commissioner attend the hearing to represent the County.

Commissioner Withers asked to approve out of state travel for Brandon Winget, County Road Supervisor, to look at used trailers for his department.

Commissioner Smith made a motion to approve out of state travel for Brandon Winget, Road Supervisor, to Phoenix, Arizona to look at equipment for the Road Department.

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

Commissioner Withers said that he met with Utah Counties Indemnity Pool (UCIP) members while he was at the Utah Association of Counties (UAC) conference. They gave him Millard County's 2015 workers' compensation insurance rates which will be the same as last year. He will give that information to the Auditor's Office.

Commissioner Withers also received the second dividend check from UCIP in the amount of \$5,031.88 which he will give to the Treasurer's Office.

Commissioner Smith said that the Planning and Zoning Board has a few terms that are up for renewal or replacement. Gordon Chatland and Brent Blake would like to be replaced and Gary Walker would like to renew his term. These positions need to be advertised in the paper for people who may be interested in serving on the Board.

Commissioner Smith said that there have been suggestions to redo the walls and replace the carpet in the Court House. This will be a budget item in the 2015 budget.

Commissioner Smith said that the Golf Committee met and discussed the ADA requirement at the golf course. He said it continues to be a problem with people trying to get up the steps. He

suggested to include in the tentative budget, for approval in the final budget, the building of a new golf course clubhouse to make it ADA approved. He proposed to put \$300,000.00 in the tentative budget and discuss it during the public hearing. He said that they do have a set of plans that were developed about 15 years ago that may need to be amended a little.

Both Commissioner Roper and Commissioner Withers would like to tour the facility to see if there is anything cheaper that could be done before spending that kind of money. Commissioner Smith said that they have done little fixes over the years and now the need is there for a new clubhouse. He said that the County has had money budgeted and sitting in capital for when the need arose. The Commissioners will take a tour of the facilities to see what options they have.

Attorney Waddingham said that Alan Dewsnup came into his office with a plat map and discussed the possibility of vacating a platted road. The road identified on the plat map actually does not exist. It was suggested to have Mr. Dewsnup meet with the commissioners on this issue.

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

Commissioner Roper and Withers attended the Millard County Economic Development Association (MEDA) banquet last night. There are two positions available for replacement on that board. The board will make a recommendation and he will bring it back to the next meeting for approval.

Commissioner Roper said that the Tourism Board will be having discussion regarding the restaurant tax tomorrow night at their meeting in Fillmore at 7:00 p.m..

Commissioner Roper said that there will be a fire meeting tomorrow night as well.

Commissioner Roper said that there will be a meeting tomorrow in the Delta Office at 10:00 a.m. with the Economic Development Director. He suggested to take a few minutes after that meeting to take a tour of the Golf Course.

Commissioner Roper said that most of the elected officials spent a week at the UAC conference in St. George, Utah. He said that it was a great meeting and great entertainment. He said that there were discussion regarding county fairs and other things that he thinks would be very beneficial. He said that they received a list of contacts of people who would be willing to help with county fairs.

Attorney Waddingham asked if the commissioners had any suggestions and/or comments regarding RS2477 roads. Commissioner Smith suggested to talk to Adam Britt, GIS, to see what information he sent to them.

#### POSSIBLE REVIEW OF COUNTY POLICIES AND CONTRACTS

The commissioners discussed the proposed changes to the draft purchasing policy.

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

There was none.

Commissioner Smith made a motion to recess the meeting to canvass the votes for the November 4, 2014 General Election at the County Clerk's Office.

Commissioner Withers SECONDED the motion. The voting was unanimous and the meeting recessed at 12:12 p.m..

CANVASS OF NOVEMBER 4, 2014 GENERAL ELECTION

Commissioner Withers made a motion to reconvene the meeting.

Commissioner Smith SECONDED the motion. The voting was unanimous and the meeting reconvened at 12:52 p.m.

Commissioner Roper said that the commissioners just completed the canvass for the November 4, 2014 General Election. He said that they found everything inline. The totals have changed a little due to the provisional ballots. The results are attached to the minutes for review.

Commissioner Smith said that he appreciates the job the Clerk does. It has been quite an election year and with all things said the Clerk's Office did a great job.

WHERE UPON THE MEETING ADJOURNED

Commissioner Withers made a motion to adjourn the meeting.

Commissioner Smith SECONDED the motion. The voting was unanimous and the meeting adjourned at 12:53 p.m..

Commissioner Withers made a motion to reconvene commission meeting.

Commissioner Smith SECONDED the motion. The voting was unanimous and the motion carried. The meeting reconvened at 4:30 p.m..

Commissioner Smith made a motion to declare the elected persons who were canvassed today as the winners of the County Election for the county offices: Commission Seat A - James I. Withers, Commission Seat B - Dean William Draper, Assessor - Patrick C Manis, Attorney - Patrick S. Finlinson, Auditor - Brandy Grace, Clerk - Marki Rowley, Recorder - Connie Hansen, Sheriff - Robert A. Dekker, Treasurer - Sheri Dearden, School Board 4 - Jeff Schena, and School Board 5 - Todd E. Holt.

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

Commissioner Smith made a motion to certify all of the winners and the vote totals as presented today *see attachment*.

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

carried.

Clerk Brunson stated that Rhett Rowley, Dixon Eliason and the write in for the Assessor's Office were disqualified due to not filing their financial campaign report on time. Therefore, their names and results were removed from the report.

Commissioner Withers made a motion to adjourn the meeting.

Commissioner Smith SECONDED the motion. The voting was unanimous and the meeting adjourned at 4:45 p.m..

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

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