

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 20th DAY OF FEBRUARY 2015
AT THE COURTHOUSE, FILLMORE, UTAH

PRESENT: James I. Withers..... Chairperson
Alan M. Roper..... Commissioner
Dean Draper..... Commissioner

Pat Finlinson..... County Attorney
Marki Rowley..... County Clerk

ALSO PRESENT: Dale Bond, Barry Bendixen, Shellie Dutson, Chad Droubay, Brady
Nielsen, John Nielsen, Brent Spencer, Joyce & Mike Barney, Scott Patton, Steve
Styler, Steve Maxfield, Rod Moore, Jackson George, Jordan Fowles, Nick Shurtz,
Jake Christensen, Roger & Bobbie Killpack, Elizabeth Little, Gary Walker, Dean
Fowles, Tom Stephenson, and Ken Topham..... Citizens
Hannah Jones..... Chronicle Progress
Todd Mullen..... Sunset View Golf Course
Pat Manis..... County Assessor
Susan Wilcox..... Assessor's Office
Kevin Morris..... West County Recreation
Wayne Jackson..... Military Liaison
Brandy Grace..... County Auditor

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 Withers to the public and Commission members.

OPENING STATEMENTS

Commissioner Withers asked if anyone had an opening statement to give. Commissioner Roper referenced Martin Luther King in saying that it seems that we have the same issues we had in the 60s and he hopes that we can learn and become more tolerant with people. He said that President Lincoln, in his Gettysburg Address, said that "We are all created equal". Commissioner Roper hopes that we can proceed forward and give everyone the rights they deserve; especially as they represent the citizens of the county in seeing that everyone is treated fairly and with respect.

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

APPROVAL OF JANUARY 6, 2015 COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held January 6, 2015 were presented for consideration and approval. Following review and consideration of minor corrections, Commissioner Roper made a motion to approve the minutes of January 6, 2015, as corrected.

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

FOLLOW UP ACTION ITEMS FROM JANUARY 6, 2015

Commissioner Roper said that he visited with East Millard Maintenance Supervisor Klint Penney, representatives from the WIC program and representatives from the Senior Citizens' Center regarding the vacant office space, located in the Senior Citizen's Center. He said that it was decided that the office space will be split between WIC, for a waiting area, and the Senior Citizens, for storage. He said that this will require putting in two doors and one wall. He asked Mr. Penney to get someone to do the work since he felt that he and his staff did not have the time to do it.

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 15-01-20, A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MILLARD COUNTY, UTAH APPOINTING A TRUSTEE TO THE BOARD OF MILLARD COUNTY DRAINAGE DISTRICT 1

Commissioner Withers said that Dallas Anderson and Klint Atkinson, both are Drainage District board members, recommended Bill Shumway to serve as a board member for Drainage District 1. Mr. Shumway has accepted that appointment.

Commissioner Roper made a motion to approve Resolution 15-01-20, a resolution of the Board of County Commissioners of Millard County, Utah appointing Bill Shumway to serve as a trustee to the Board of Millard County Drainage District 1.

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

DISCUSSION AND POSSIBLE APPOINTMENT OF MEMBERS TO SERVE ON THE MILLARD COUNTY ECONOMIC DEVELOPMENT ASSOCIATION (MEDA) BOARD

Commissioner Roper said that Brandon Bartholomew, Neil Ashton and Doug Murdock all have expressed interest in serving on the MEDA Board. He said that he likes all three candidates.

Commissioner Draper said that it was asked at the last meeting if there could be more than one appointment to the board at this time. Commissioner Roper said that the by-laws state that the board is made up of seven members. He said that he spoke with Linda Gillmor, MEDA Director, who expressed that it would be nice to have more than seven members on the board. In order to

make that happen they would have to amend the by-laws by resolution. It was decided to appoint one member at this time.

Commissioner Roper made a motion to appoint Neil Ashton to serve as a member on the MEDA Board and then to look at the possibility of changing the by-laws to expand the board by two more members.

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

REVIEW AND POSSIBLE ADOPTION OF ORDINANCE 15-01-20, AN ORDINANCE TO MAKE PROPOSED AMENDMENTS TO THE MILLARD COUNTY CODE - TITLE 10, CHAPTER 23 - ENFORCEMENT TO PROVIDE FOR CORRECTIONS, ERRORS AND OVERSIGHTS IN THE EXISTING ORDINANCE THAT WAS ADOPTED IN DECEMBER, 2012 WITH AN EFFECTIVE DATE OF JANUARY 1, 2013. MILLARD COUNTY - APPLICANT. APPLICATION # Z-2014-034

Commissioner Roper said that he feels pretty comfortable with the ordinance the County already had.

Dean explained some of the changes made to the ordinance. He said that he hopes to remove any ambiguity in the ordinance with the changes made. He suggested to remove Section 10-23-10, Civil Penalties which he feels is unnecessary because it is also addressed criminally. Attorney Finlinson explained that the changes he is proposing are legal and there is not an issue legally with having any of the two proposals.

Commissioner Withers said that there has to be some personal accountability, but he has no problem with removing that language.

Commissioner Draper made a motion to adopt Ordinance 15-01-20, an Ordinance of Millard County, Utah amending Title 10, Chapter 23 of the Millard County Land Use Ordinance titled "Enforcement".

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

PRESENTATION OF TELEPHONE BIDS FOR CONFLICT COUNSEL AND POSSIBLE AWARD OF CONTRACT

Auditor Grace explained that Aaron Poff was originally awarded the contract, but was unable to continue with the contract. The contract then was awarded to Michael Mathie, who now has taken a different position and can no longer offer that service to the County. Attorney Tate Bennett gave Auditor Grace some names of people to contact to see if they would be able to provide the service. Their bids are as follows:

- Aaron Poff; \$1,500.00 a month
- Larry Hunt; \$1,000.00 a month

- Josh Neilson; \$3,000.00 a month

Auditor Grace explained that there are a couple of cases scheduled to be in court next week, so it would be helpful to have that person in place so that he will be prepared for those cases.

Commissioner Roper made a motion to contact Larry Hunt and offer him the conflict counsel contract.

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

ASSESSOR'S OFFICE TO PRESENT PROPOSED CHANGES IN FILING FOR 2015 PERSONAL PROPERTY EXEMPTION

Assessor Manis gave a brief history of what has been done in the past with the personal property exemption accounts that have values under \$10,200.00. The businesses whose personal property values are consistently under the exemption amount, and do not have the possibility of ever exceeding that amount, were placed on an exemption list; to save time and money by not having to send those businesses notices.

Assessor Manis explained the process of sending out notices and that his office has to estimate values if those notices are not returned.

He said that it is time to send out this year's notices. He presented a list of additional business accounts and asked that they be added to the exemption list.

Assessor Manis explained that if a business purchases personal property that would exceed the exemption value amounts they would be taken off the exemption list. If they do not report their purchases then the Assessor's Office has the ability to go back three years to collect the value on that personal property.

Commissioner Roper made a motion to accept the proposed changes in filing for 2015 personal property exemption list.

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

DISCUSSION REGARDING THE GOLF COURSE - STEVE MAXFIELD

This agenda item was tabled.

DISCUSSION REGARDING THE SUNSET VIEW GOLF COURSE - GOLF COMMITTEE

Steve Styler, Golf Committee Vice Chairman, said that the Sunset View Golf Course is one of the finest facilities in the State. He said that the large group here today is very passionate about the golf course.

Mr. Styler said that they are here to address opposition to the golf course. He presented numbers and figures to the commissioners to inform them of what the golf course means to the citizens of Millard County. The Sunset View Golf Course has a mens club association with about

85 members who participate on a weekly basis; a women's association with approximately 25 members and youth summer camps for children with a regular participation of over 100 children. The Sunset View Golf Course has also hosted numerous state championship tournaments.

Mr. Styler said that a lot is made to be known about the cost of recreation. He said that people see that the golf course has a big budget and everyone wants to know why that money is spent and how it is being funded. He said that approximately \$4.50 on every \$1,000.00 paid in property taxes is allocated to the golf course.

Mr. Styler read a letter expressing support for the Sunset View Golf Course signed by the following business owners/managers: Jon Finlinson; IPP manager, Greg Gregory; Materion Natural Resources manager, Scott Patton; Cal-Maine Foods and Eland Lebaron; Liqua Dry. He said that Magnum has also expressed its support but did not get a chance to sign the letter.

Mr. Styler said that Lance D'Ambrosio from Peak Minerals will be delivering a copy of his letter to the commissioners at a later date.

Mr. Styler said that some of the larger economic development projects, now and future, understand the importance of having a golf course. He said that we see the impacts far beyond the dollars spent from the County's prospective.

He said that there are wonderful recreation programs available that are useful in the County. Last year alone there were:

- 1,772 participants in West Millard County recreation.
- 4 invitational soft ball tournaments consisting of 42 teams; 34 of which came from outside of the County to participate.
- 41,000 visits to the swimming pool.
- 6 P.E. classes regularly use the swimming pool for part of their education.
- Over 115 golf punch cards purchased; over 85 season golf passes and over 16,000 rounds of golf played.
- \$65,000.00 worth of merchandise was sold out of the clubhouse.
- The golf course revenue had the second largest revenue year since Todd Mullen, Golf Pro, took over as head professional of the golf course

So far this year, there were:

- 54 rounds of golf played on Saturday, January 17, 2015; 10 were by visitors from outside of the County.
- 63 rounds of golf played on Monday, January 19, 2015; 13 were by visitors from outside of the County.

Mr. Styler said that every program the County has runs in the red and it is a decision of how those funds should be spent. He said that on behalf of the Golf Committee they feel that money should be spent on recreation, because it plays a very worth while part in our County.

Mr. Styler said that the Golf Committee put together a petition and received dozens and dozens of signatures in just two days. He said that these people are very passionate about recreation and it is part of who we are in Millard County.

Scott Patterson, Golf Committee Chairman, said that when he moved to Millard County, one of the first things he asked was, "Is there a golf course?". He said that recreation is important to his family; it makes living here twice as enjoyable.

Dale Bond said that he owns quite a bit of property here in the County therefore, he pays a lot of property taxes and he does not mind that some of it goes to recreation.

Mr. Styler said that recreation gives the citizens something to enjoy; they are grateful for it and do not want to see it go away.

Mr. Styler said that there is a line item budgeted for replacing the Sunset View Golf Course club house. He said that they would like to submit a plan of how that will be redone and requested to have it on the agenda when they are ready to present.

Steve Maxfield said that he is working on a presentation and he appreciates the golf committee for giving him some of the information that he needs. He said that he is not working to see if golf is a good thing or if the people enjoy it. He is looking at the history of the money that goes into the golf course which is draining money in resources.

Mr. Maxfield said that up until 2004 the golf records were not very well kept. He is trying to give an overall picture of a cost versus benefit analysis of the two golf courses that we have in the County. He is also looking into some legal questions and issues regarding the agreement specific to the Sunset View Golf Course.

He said that he has another priority, which gives him a 90 day deadline if he were to challenge the Utah Open Meeting Act issues and that is the reason he had to transfer his priorities today.

Elizabeth Little said that she too is a business owner and she was never contacted regarding the golf course. She moved to this County to save money on taxes. She said that she is not opposed to the golf course, but she was surprised to see that the tax payers are paying for a golf course.

Ms. Little said that the swimming pool in Delta is a recreation that you see a lot of people using, but it needs a lot of repair and a good cleaning. She said that there are more places than the golf course that the citizens use.

Mr. Styler said that there has already been money budgeted to repair the club house and they are asking that be allocated this year.

Commissioner Withers thanked everyone for attending and voicing their thoughts and concerns. He said as they move forward with this they will take everything that they have heard in to consideration.

PUBLIC INPUT

Mr. Maxfield asked when the training on Utah Open Public Meeting Act will take place. Attorney Finlinson said that his training on this starts tomorrow and runs through the rest of this week. He also said that he has taken the name and number of the person Mr. Maxfield had recommended, as well as talked to Jeffery Hunt, who will be one of the training instructors this week.

Mr. Maxfield said that is the main focus of his discussion. He gave example of a meeting that took place in December. He said that this would need to be done sooner than later and suggested to hold a work session with the commissioners for further discussion, to maybe come to an understanding of what the Utah Open Meetings Act means.

Commissioner Roper said that Attorney Finlinson is in the process of doing that and the County wants to be compliant. Attorney Finlinson will get the training he needs and then will pass that training on to the commissioners in an open meeting, which the public will be allowed to attend.

Mr. Maxfield said that under the Utah Open Meetings Act; if someone wants to challenge any final determinations that were in violation of the open meetings act, they only have 90 days to initiate those proceedings in a court of law. He said that he may have to litigate the issue, but that is not his intent. He said that if they meet they may see that they are closer together than they are apart on this issue.

Commissioner Roper said that they will continue in the direction they are going and are moving as fast as they can. He said that they appreciate the prodding and would certainly invite Mr. Maxfield in on the training, but Attorney Finlinson has it handled.

Attorney Finlinson said that it will not be on the following agenda but possibly the agenda after that.

Auditor Grace said that prior to some of the issues she and the commissioners were having administrative meetings. She said that, in her opinion, they have been very careful of the information being presented in those meetings. She only asks for commission signatures on items that have already been approved. She feels that it is more appropriate to have the three commissioners meeting together, rather than having one standing at her desk. She asked for consideration to continue those administrative meetings.

Attorney Finlinson said that he only asked that the meeting be stricken for today and he expects that those meetings can resume.

Bobby Killpack said that she has a concern with the importance of the way government is run and she feels this concern is not just her's alone. She said that she has served on both local and state boards and has found that community input is important however, we elect the elected officials to make decisions and be proactive. She has grave concerns with individuals who monopolize the commissioners time, which does not allow them to be proactive, but rather defensive. She suggested that there be a sign in list at the beginning of the meetings for those who want to speak. She suggested to only allow those individuals a total of five minutes to speak on one issue. This would allow all the people a chance to speak. She said once an individual speaks, he/she cannot speak on that issue again during that meeting.

Ms. Killpack said that she feels that it is important for the elected officials to be able to do what they were elected to do; to lead the county in looking for things that are much more important than what she has been reading in the paper.

OTHER BUSINESS

Disclosure statements were submitted for the following employees:

Sheri Dearden
Stacie Dean

A business license application was presented for Ascent Business Solutions, Owner - Heather R. Erickson, an administrative and general management consulting service business in the insurance and medical industry. After review of the application and finding all signatures in order, Commissioner Roper made a motion to approve a business license for Ascent Business Solutions, Owner - Heather R. Erickson.

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

Auditor Grace received notification from the Utah Retirement Systems stating that the County needs to make an election on its benefit contracts for Tier 2. This will be brought back on the next commission agenda.

Auditor Grace asked if anyone responded to UCIP regarding who the risk management person will be. Attorney Finlinson said that he contacted them to let them know it would be him. Auditor Grace said that she will let Sonja White with UCIP know.

Auditor Grace presented an email that she sent out a few years ago addressing the approval requirements for expenditures and asked the commissioners to let her know if they wanted to continue with the way it has been handled since the email was sent.

Auditor Grace said that last year the commissioners decided that before accounts payable checks were release all three commissioners would sign. She reminded the commissioner that her office does not release checks until they have the approval from the commissioners. She said that her goal, as auditor, has always been to pay the bills in a timely matter. She asked if the commissioners intent would be to continue requiring all three signatures. Commissioner Roper clarified that the commissioners can respond by email or phone for approval. The commissioners would like to continue with the approval process.

Auditor Grace said that 2013 was the last audit year as part of the agreement with Larsen & Rosenburger, who is the CPA firm that does the County's audit. They have provided a new three year proposal that would start with the 2014 fiscals. She said that proposal increased by \$500.00 a year, which is consistent with what they have done in the past. She said that a single audit requirement would increase from \$3,000.00 to \$4,000.00; which the county will more than likely have this year. Their proposal is \$22,800.00 for the 2014 audit, \$23,300.00 for the 2015 audit and \$23,800.00 for the 2016 audit.

Auditor Grace recommended to continue with Larsen and Rosenburger because they have done a great job in the past. They are good to work with and have done the reports in a timely manner. She also feels that their fees are reasonable compared to what other counties are paying for their audits.

Auditor Grace said that they presented a three year proposal the last time it went out to bid. She said that this would be done as an RFP not a bid. It was suggested to get some comparables before making a decision.

Auditor Grace said that the IRS increased its mileage reimbursement rates to \$0.575 effective December 10, 2014. The meal reimbursement rates will remain the same at \$46.00 a day. She said that it has been policy that the County would use the IRS rate for reimbursable mileage.

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

Commissioner Roper attended a CIB meeting along with Fillmore Fire Department representatives. The Fillmore Fire Department received a \$450,000 grant to go along with the \$250,000 cash payment they were going to put toward a ladder truck for the Fillmore Fire Department.

Commissioner Roper said that the commissioners attended a Lands Council Meeting in Salt Lake City, Utah on January 9, 2015. They discussed the costs to maintain the lands if Utah was granted the federal lands. That cost was estimated to be between \$300,000,000 and \$400,000,000, as long as there were no fire problems during that period of time. The presentation was given by John Downen with the Bureau of Economic Business Resources at the University of Utah. They felt that the State of Utah could pay the \$300,000,000.00 - \$400,000,000.00 even with the worst possible scenario and still be alright financially. The only problem may be that if there was a natural fire that was not anticipated they may not be able to manage the cost of the fire.

Commissioner Roper is planning on attending the legislative day at the Capital on February 13, 2015.

Commissioner Roper received a call from Tom Baker from Baker Ranch in Baker, Nevada regarding a water issue he discussed with the commissioners several months ago. Commissioner Roper said that they met with Mark Ward, UAC Attorney, and Attorney Waddingham regarding this. There is a court hearing scheduled on February 2, 2015. The county has filed a protest and now needs to look into this further. Mr. Ward said that UAC would not get involved at this point, but if the Baker's lose at the hearing, they may need to get involved at that point.

Commissioner Roper met with Matt Heck, Juwi Solar Company Project Manager. He said that one of the stipulations of the conditional use permit (CUP) was to put up a project. They wanted to do it at the schools, but when they met with the school district, they were not interested because they didn't feel that there was a place to do it. They are now wondering if the County might have a place to do this project. Commissioner Roper said that he would like to have them do it because it would be a good educational opportunity. They need to do this project to fulfill the CUP.

Commissioner Roper and Commissioner Draper both attended the Topaz Art Museum's open house that was held last Saturday. Commissioner Roper said there were about 150 or more people who attended the open house. It was a great day and he thinks that they probably received donations that day. Jane Beckwith, Topaz Museum Director, hopes to open the Museum up this fall.

Commissioner Withers said that DNR released a group of big horn sheep up Oak City Canyon. He said that the youth who were there were excited to see the process. He said that it is good to have a good working relationship with DNR and they appreciate them inviting the community to be a part of that release. All three commissioners were in attendance.

Commissioner Withers and Brandon Winget went to the west desert to check on an issue with a fire that burned on the Nevada side of the boarder that has caused the County's road to get washed out every time it rains. They are trying to find out who is financially responsible for that. They will continue to pursue their options. They need to do something if they want to keep the road open.

Commissioner Withers attended a meeting with concerned citizens regarding recreation. He said that there were several different view points expressed at the meeting.

He said that Kiley Chase said that the Delta City Council expressed its support of the golf course.

Commissioner Draper attended a seminar in Salt Lake City, Utah that was presented by the Utah Tax Payers' Association regarding property taxes. They had some break downs on how much certain counties spend per capital. They discussed ARDAs and loosely associated with a CDA for development of projects in the county. He said that the basic line there was that it had to have a real benefit or it was not worth participation. He also said that ARDAs and CDAs mostly are burdens carried by the school districts not the counties.

Commissioner Draper attended the Delta Area Chamber of Commerce meeting. They are preparing for the Goose Festival. A presentation was put forth on the Play Unplugged project including results from last year. They have a three year period where they will see if that project will be a continuing project.

Commissioner Draper was contacted regarding two roads needing attention in the County. He said that on Cropper Lane, near Milford Highway, the shoulder has risen so much that there is now a pond that has no way of draining on that road. He said that on 2000 South (Center Street in Hinckley, Utah) there is a culvert that ditches under the road. He is not sure if that would be a road problem or an irrigation problem; either way, it is a potential hazard.

Commissioner Roper said that Commissioner Draper will be attending a Fire District meeting and an annual party tomorrow and Commissioner Roper will be attending a Mental Health meeting in Richfield.

Commissioner Roper said that Howard Allred, Fire Chief, retired. There was a party held in his honor last Friday night. It was a great sendoff for Mr. Allred, whose services have been appreciated. Commissioner Roper said that they are in the process of hiring Mr. Allred's replacement.

Attorney Finlinson reported that he is working to learn his civil duties and to strike the proper balance with the criminal functions of his office. He will keep moving in that direction and he appreciates the commissioners patience.

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.

WHERE UPON THE MEETING ADJOURNED

Commissioner Roper made a motion to adjourn the meeting.

Commissioner Dean SECONDED the motion. The voting was unanimous and the meeting adjourned at 11:27 a.m..

Attest: _____

Approved: _____