

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 21st DAY OF JANUARY 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: Jeff Christensen. Millard Care & Rehab
Knox Huntsman American Legion
Wayne Jackson. Military Liaison
Todd Matthews Citizen
Michael & Jan Van De Vanter Ramies Roller Rink
Brandy Grace County Auditor
John Hansen County Treasurer

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 Smith read a quote from Alexander Hamilton: “The sacred rights of mankind are not to be rummaged for among old parchments or musty records. They are written, as with sunbeam, in the whole volume of human nature, by the hand of divinity itself; and can never be erased or obscured by mortal power”. Commissioner Withers said the invocation. Everyone stood and said the Pledge of Allegiance to the Flag.

APPROVAL OF JANUARY 7, 2014 COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held January 7, 2014 were

presented for consideration and approval. Following review and consideration of minor corrections, Commissioner Withers made a motion to approve the minutes of January 7, 2014, as corrected.

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

FOLLOW UP ACTION ITEMS FROM JANUARY 7, 2014

There were none.

DISCLOSURE STATEMENTS

Disclosure Statements were submitted from the following employees:

- Richard J. Carter
- Margene Stevens
- Lindsay Mitchell
- John Hansen
- Sheri Dearden
- Robert Dekker

DISCUSSION AND POSSIBLE APPROVAL OF A WORK RELEASE AGREEMENT WITH SUNRISE ENGINEERING FOR GENERAL ENGINEERING SERVICES

Commissioner Roper said that this agreement was discussed during the last meeting and is an agreement that provides a fee schedule with Sunrise Engineering. Commissioner Smith explained that when the County requires Sunrise Engineering's services there is a fee that they charge for those services, which is what is being approved today.

Commissioner Smith made a motion to approve a work release agreement with Sunrise Engineering for general engineering services.

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

REVIEW AND POSSIBLE APPROVAL OF A LIST OF NOMINATIONS FOR A MEDA BOARD CHAIR (FROM EXISTING MEDA BOARD MEMBERS FOR 2014), AND THREE NEW BOARD MEMBERS TO FILL VACANT POSITIONS, AND ONE MORE MEMBER RETURNING FOR A SECOND TERM

Commissioner Roper said that the following people have agreed to be members of the MEDA Board by new appointment or reappointment: East side members: Jim Dyer and John Higgins. Tony Dearden was reappointed as the MEDA Board Chairman. The West side members will be Stacey Anderson and Teresa Thompson.

Commissioner Withers made a motion to appoint Tony Dearden as Chairman, Stacey

Anderson, Jim Dyer and John Higgins as new board members to fill vacant positions, and to reappoint Teresa Thompson who will be serving a second term.

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

DISCUSSION AND POSSIBLE APPOINTMENT OF SCOTT LICHFIELD TO THE MILLARD COUNTY TOURISM BOARD

Commissioner Withers made a motion to appoint Scott Lichfield to the Millard County Tourism Board for a two year term.

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

PRESENTATION TO WAYNE JACKSON FOR HIS SERVICE ON THE MILLARD CARE & REHABILITATION BOARD - JEFF CHRISTENSEN

Jeff Christensen, Millard Care and Rehabilitation, presented Wayne Jackson with a plaque of appreciation for his six years of service on the Millard Care & Rehabilitation Board.

Mr. Christensen said that Mr. Jackson was really influential on many of the decisions made through the board. He was particularly helpful with helping the Board to understand the veterans' homes coming in and the veterans' programs. He was able to help the Board get linked into some benefits for the residents.

Mr. Jackson recently had a conflict of interest come up which prevented him from being able to continue to serve on the Board. Mr. Christensen said that he and Tony Dearden appreciate Mr. Jackson for all the good things he has done and continues to do.

Commissioner Roper said that Mr. Jackson moved to Fillmore twenty-nine years ago and has since then been actively involved in anything and everything. He said that anything good that happens in the community, Mr. Jackson is usually involved in it somehow. The County sure does appreciate him a lot.

DISCUSSION AND POSSIBLE APPROVAL OF LOWERING THE HOURLY RATE FOR USE OF THE LIGHTS IN THE EAST MILLARD INDOOR ARENA - TODD MATTHEWS

Todd Matthews presented the Commission with a run down of what he feels that the County should be charging for the indoor arena light usage. He said that there are 46 lights that come on with the activation of each of the hour meters inside the indoor arena. He said that each light uses 400 watts of electrical energy. The price he was quoted by Flowell Electric was \$0.07 per kilowatt per hour. The paper he handed out explained that there are 46 lights at 400 watts per fixture which equals to be about 18,400 watts; 18,400 watts divided by 1000 equals 18.4 kw. If you times 18.4 by \$.07 the cost should be \$1.29 to run the lights in the arena for one hour. He suggested that the County lower the light usage cost from \$7.00 per hour to \$1.30 per hour.

The Commissioners explained that the \$7.00 per hour charged is set in place to not only cover the cost for the electricity but also to help cover the cost of maintenance for the use of the

arena. They also explained that after doing some research, they found that other counties are charging at least \$25.00 per hour or more for the use of their indoor arenas. Millard County's rates for use of the indoor arena on both sides of the County are the lowest, or next to the lowest, in the State. The County wants to stay consistent with what other counties are charging.

Commissioner Withers said that he would like to keep the facilities accessible to the public so that the facilities are being utilized, which helps keep the facilities in better shape.

Commissioner Smith said that the County offers open riding free of charge, as well as the option to reserve the facility at a cost, which helps the County to recoup some of the cost on maintenance.

Commissioner Roper said that they do not want to discourage the public from using the facilities. Mr. Matthews asked if they would be willing to meet in the middle. Commissioner Withers said that he would like to discuss this further to see what they can come up with. This item will be discussed further at a future meeting.

DISCUSSION AND POSSIBLE APPROVAL REGARDING DELINQUENT PROPERTY TAXES - MICHAEL VAN DE VANTER

Michael Van De Vanter said that he spoke with the commissioners a few months ago regarding his delinquent properties. He indicated that he had five delinquent parcels of property at that time. He has since paid four of the five parcels current leaving only the roller rink delinquent, which is scheduled to go to tax sale this year. He asked the Commission to work with him on the penalties and interest and to take the parcel off the tax sale.

Mr. Van De Vanter explained that the skating rink is only opened on average fifty-six days out of the year and is mostly used by the Church and school kids.

Commissioner Smith said that the County usually will work out an agreement with a property owner. If the property owner is able to pay half of the balance owed, the County will usually remove the parcel from the tax sale and if they make payments to have the remaining balance paid off before the current year's property taxes come due, the County will usually waive penalties and interest.

Mr. Van De Vanter asked if the County could take off the penalties and interest now so he can pay half now and the other half around April.

Commissioner Smith asked Treasurer Hansen if he would need an agreement in writing. Treasurer Hansen said that title searches, in preparation of the tax sale, will begin sometime in March, and will incur additional costs to the property owner. He needs to know what the agreement will be and if the County's intent is to remove the parcel from the tax sale so a title search will not be done on this particular parcel.

Commissioner Roper explained that if the County makes an agreement with Mr. Van De Vanter to remove penalties and interest and he fails to pay the balance current before a certain date, the interest and penalties will be added back on.

Commissioner Withers said that he is comfortable with the decision to waive the penalties and interest on Mr. Van De Vanter's property taxes. He also said that he will talk to the Assessor's office to make sure that he will reassess Mr. Van De Vanter's property for the skating rink.

Mr. Van De Vanter said that he will pay half the balance owed today and the other half before May 15, 2014 if the County will waive penalties and interest.

Commissioner Withers made a motion to waive penalties and interest on Mr. Van De Vanter's property taxes if he pays half of his property balance today and pays the remaining balance before May 15, 2014.

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

PUBLIC INPUT

There was none.

OTHER BUSINESS

Treasurer Hansen said that Garcia Domingo is delinquent on his property taxes for 2009, 2010, and 2013. He asked whether he could pay half of his balance owed by the end of the month and whether the property could be removed from the tax sale. He said that he would make monthly payments and have the balance paid current before November 2014.

Commissioner Smith made a motion to remove Garcia Domingo's property from the tax sale if he pays half the balance owed before the end of the month and if he made monthly payments to have the balance paid before the current year's taxes come due in November.

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

PUBLIC INPUT

Commissioner Roper said that according to the purchasing policy, the County requires a bidding process, due to the amount of the project Wayne Jackson presented for the veterans wall.

Mr. Jackson said that Colonial Flag is a sole source provider for the particular stone product that they will use to replace the plaques on the veterans wall. He said that there are no companies in the cast stone industry who have achieved the level of this product.

He said that he did get another bid from a company who offers a marble product for \$800 for a 2 by 2 plaque, not including installation. There are 64 plaques on the wall which will need to be replaced.

Commissioner Withers said that he is all for doing this but he wants to make sure that this product will ensure that the plaques will still look brand new in ten or so years. Mr. Jackson said that Colonial Flag will guarantee their product.

Colonial Flag offers a 75 year warranty on the stone work and a 5 year warranty on anti-graffiti sealant with protection for 20 years.

Mr. Jackson said that Colonial Flag has included a lot of extras in the quoted price. They will include 80 extra stone panels for a total of 122 panels. They will also be redoing the branch of service plaques, by changing them from metal to stone and can have the project completed by Memorial Day.

Mr. Jackson said that the plaques currently on the wall have been in place since 2001, but

have needed to be updated every year.

Commissioner Roper questioned the product from the other bid Mr. Jackson said he received. Mr. Jackson said he only received a quote for the plaques, nothing else, but he understands that it would be a basic three quarter inch polished marble.

Commissioner Smith said that he feels comfortable in moving forward with this project. He said that he has met with Colonial Flag and has looked at the samples that they presented. Colonial Flag explained to him what they plan to do with the wall. He said that he has talked to Mr. Jackson and he and his board are in support of this project, as are the residents throughout the County.

Commissioner Smith made a motion to accept the bid from Colonial Flag in the amount of \$55,000.00 to redo the War Memorial Wall outside the Courthouse on Main Street in Fillmore, Utah.

Commissioner Withers SECONDED the motion. The motion passed by a majority vote. Commissioner Roper voted no.

Commissioner Smith said that Colonial Flag's proposal indicates that they would like 50% down and the remainder when the project is complete. He said that the County will require a contract with Colonial Flag for this project.

Auditor Grace clarified that payment will not be released until a contract is in place.

Knox Huntsman asked what will be done with the plaques that are currently on the wall. Mr. Jackson said that he asked Delta City to send a letter of intent to the County explaining what they plan to do with the plaques. Commissioner Smith said that the discussion was that the plaques would be available to Delta City if they would like them. There would be a cost associated with the installation but that would be the City's responsibility.

Mr. Jackson said that Delta City's idea is to put the plaques on a wall in Delta, Utah, but they will not be updated this year. The Commissioners thought it would be a good use for the plaques to go to Delta City.

Commissioner Smith said that the County will need to have a memorandum of understanding with Delta City which will state that the County will donate the plaques if Delta City will display them.

Commissioner Roper thanked Mr. Jackson for his participation on this project. The county will send a letter to Delta City informing them of the decision.

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

Commissioner Withers said that the discussion last commission meeting regarding the Soil Conservation District Board insurance concerns were misrepresented. He wanted to clarify what the issue really was. He said that the Soil Conservation District Board purchased a gopher poisoning machine that they can rent to farmers to help rid the gophers in the county. They are concerned about the liability of renting out that machine. They are wanting to see if the County would be willing to help with the liability insurance costs so that if there is ever an issue the Board will not be sued.

Attorney Waddingham said that normally the boards are set up through articles and by-laws

so that board members, in their individual capacity, are not liable, unless their actions are willful or intentional.

Commissioner Smith suggested that the Board put a disclaimer on the rental agreement for leasing the equipment.

Attorney Waddingham said that a release is enforceable. Commissioner Withers will visit with the Soil Conservation District Board about a release.

Commissioner Withers said that Community First would like to visit with the Commission in the near future to discuss a new program that they would like to implement county wide. They are a group that offers a program for youth to attend after school. He said that it is a good program and he would like to support it.

Commissioner Smith, Commissioner Withers and Auditor Grace met with the NRCS to do an audit of a project up Oak City regarding flood mitigation monies on phase I.

All three commissioners met with the BLM to discuss ATV trails and wild horses. They plan to set up a meeting while in Washington D.C. as well.

Commissioner Smith said that the federal mileage reimbursement rate has increased to \$0.56 per mile. Millard County's policy is to reimburse travel based on the federal reimbursement rate for mileage.

Commissioner Smith said that the Commission had a meeting with Oak City Town and the Oak City Water Company to discuss a project in Oak City.

Commissioner Smith attended a mental health meeting Thursday. He said that it went well. They have a lot of issues coming up regarding funding with Obama Care on how people are going to become eligible for those kind of benefits. He said a larger number of the population will qualify for medicare and medicaid benefits, giving them the ability to be treated through Mental Health and Central Utah Counseling.

He said that they also have some legislative issues that he will be involved in during the legislative session.

Commissioner Roper said that he received an invitation for a Facility Management Workshop scheduled for February 12, 2014. He said that UCIP is putting it on regarding boiler inspection, electrical, mechanical systems and catastrophic planning. Attorney Waddingham forwarded the invitation to both Kevin Morris, West Maintenance, and Klint Penney, East Maintenance. The Commission will need to approve it if they are interested in attending.

Commissioner Roper said that the State released 70 longhorn sheep up Oak City Canyon.

The commissioners met with the Oak City Town Counsel, and plan to follow up on that meeting today after the commission meeting adjourns.

POSSIBLE REVIEW OF COUNTY POLICIES AND CONTRACTS

Attorney Waddingham informed the Commission that he spoke with Johnny Miller at UCIP and is suggesting that future contracts be modified to include some additional language confirming that policies include coverage for hold harmless provisions in contracts.

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

There was none.

WORK SESSION FOR ALL ELECTED OFFICIALS

The commissioners and elected officials met with Utah Association of Counties.

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 11:08 a.m..

Attest: _____

Approved: _____