

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 26th Day of SEPTEMBER 2005
AT THE COURTHOUSE, FILLMORE, UTAH

PRESENT: John C. Cooper Chairman
Daron P. Smith. Commissioner
Kathy Y. Walker. Commissioner

LeRay Jackson County Attorney
Norma Brunson County Clerk
Janice Robins. Deputy County Clerk

ALSO PRESENT: Alonzo R. Cahoon, Rebecca A. Cahoon and Dean Draper, Assessor Jim Talbot, Bonnie Gehre, and Sheriff Ed Phillips

PURSUANT TO AN AGENDA WHICH HERETOFORE HAD BEEN PROVIDED TO each member of the governing body, the local news and located on the front and back doors of the County Courthouse as required by law the following proceedings were had.

COORDINATION SESSION

The Commissioners scheduled events for the months of September and October 2005.

PUBLIC WAS WELCOMED

The meeting began at 10:00 a.m. after a brief welcome by Commissioner Cooper to the public and Commission members.

OPENING STATEMENTS

Commissioner Cooper asked if anyone had an opening statement to give? Commissioner Smith read a quote from Benjamin Franklin. Commissioner Cooper said the invocation. Everyone stood and said the Pledge of Allegiance to the Flag.

FOLLOW UP ACTION ITEMS FROM MINUTES OF SEPTEMBER 19, 2005

There were none.

APPROVAL OF THE AMENDED MINUTES OF SEPTEMBER 19, 2005

Commissioner Walker made a motion to approve the amended minutes of September 19, 2005.

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

AUDITORS REPORT

Auditor Brandy Grace was excused for a funeral. Chief Deputy Auditor Bonnie Gehre gave the Commissioners various invoices to review and approve for payment through the Auditor's Office.

Chief Deputy Auditor Gehre gave Commissioner Walker the green copy of the Check Edit Report of September 23, 2005 for all the Commissioners to review and sign.

Commissioner Smith made a motion to pay \$13,000 for the Indigent Capital Defense Trust Fund.

Commissioner Walker SECONDED. The voting was unanimous. The motion carried.

RATIFY THE MOTION TO SIGN CONTRACT AMENDMENT FOR BAILIFF SERVICE BETWEEN STATE OF UTAH, ADMINISTRATIVE OFFICE OF THE COURTS AND THE COUNTY SHERIFF OF MILLARD COUNTY

Commissioner Smith made a motion to ratify the signing the contract amendment for Bailiff Service Between State of Utah, Administrative Office of the Courts and the County Sheriff of Millard County.

Commissioner Walker SECONDED. The voting was unanimous. The motion carried.

RATIFY THE SUPPORT OF MILLARD COUNTY FOR THE DISADVANTAGED RURAL COMMUNITIES GRANT APPLICATION

Commissioner Walker made a motion to ratify the support of Millard County for the Disadvantage Rural Communities Grant Application.

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

REVIEW OF THE CHARITY PLAN FOR DELTA COMMUNITY CENTER AND FILLMORE COMMUNITY CENTER

The Commissioners will be reviewing this plan at a later time.

MILLARD COUNTY TREASURER JOHN HANSEN, POSSIBLE APPROVAL OF TAX ADJUSTMENTS YEAR TO DATE

There were none.

POSSIBLE ADOPTION OF MILLARD COUNTY RESOLUTION NO. 05-09-26, A RESOLUTION CHANGING THE NUMBER OF MEMBERS FROM THREE MEMBERS TO FIVE MEMBERS FOR ADMINISTRATION CONTROL BOARD OF THE MILLARD COUNTY SPECIAL DISTRICT NO. 8, APPOINTING TWO ADDITIONAL MEMBERS, AND SETTING

TERMS

This item was tabled until next week's meeting.

POSSIBLE APPOINTMENTS OF NEW MEMBERS TO THE MILLARD COUNTY TOURISM BOARD, THE SUNSET VIEW GOLF COURSE COMMITTEE AND SPECIAL SERVICE NO. 8 BOARD

Commissioner Walker made a motion to appoint Don Morris, Evelyn Warnick and Gayle Cluff to serve on the Millard County Tourism Board. These people have been approved by the Millard County Tourism Board.

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

Commissioner Walker made a motion to appoint Adam Britt, Terry Brewer, and Dale Bond to serve as members of the Sunset View Golf Course Committee.

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

Commissioner Smith made a motion to accept the nomination of Heather Erickson from the Oasis area and Mike Terrell from Sutherland area to serve as the additional members on the Special Service District No. 8 Board.

Commissioner Walker SECONDED. The voting was unanimous. The motion carried.

The members will be appointed after the Resolution is approved next week.

POSSIBLE APPOINTMENT OF STAN ROBISON AS JUSTICE PRO TEM FOR WEST AND EAST MILLARD JUSTICE COURTS AND RON HARE AS JUSTICE PRO TEM FOR WEST MILLARD JUSTICE COURT, AND DEBRA HAVERON AS JUSTICE PRO TEM FOR EAST MILLARD JUSTICE COURT

Millard County Attorney LeRay Jackson explained these appointments are being set in place to have another person step in and cover the bench to enable things to run more smoothly in case there is ever a conflict with one of the Judges.

Commissioner Smith made a motion to appoint Stan Robison as Justice Pro Tem for West and East Millard Justice Courts and Ron Hare as Justice Pro Tem for West Millard Justice Court, and Debra Haveron as Justice Pro Tem for East Millard Justice Court.

Commissioner Walker SECONDED. The voting was unanimous. The motion carried.

MILLARD COUNTY ASSESSOR JIM TALBOT - BOARD OF EQUALIZATION REVIEW OF MASTER LIST OF CHANGES

Commissioner Smith made a motion to convene as the Board of Equalization. Commissioner Walker SECONDED. The voting was unanimous. The motion carried.

The time was turned over to Alonzo Cahoon for comments.

- Mr. Cahoon purchased some property and has made some improvements on it. Taxes have gone up with every improvement made and as a businessman the opportunity is not there to get the expenses of improvements back. Taxation is a deterrent for businesses to fix up and enhance their properties.
- Property in Fillmore is not any cheaper than property in Delta. He questioned the rate of taxing businesses in Fillmore (@ 90 cents vs. Delta businesses (@\$1.75 or \$2.00)
- Businesses that are trying to rebuild after 30-40 years shouldn't be penalized by a higher tax rate. Why did the Assessor go to the state to get help with commercial businesses re-evaluations?
- He would like an explanation of the formula used to do a property evaluations.
- He thinks all businesses should be treated as IPP where values go down every year even with improvements.

Rebecca Cahoon spoke for herself as a business partner and in behalf of the businesses represented by the Delta Chamber of Commerce.

- The businesses have questions with the formula used for commercial assessment and would like the information about the formula to be used in making future business decisions.
- They would like to know if there are any discounts given to larger businesses in the area and what are the terms? Are there any discounts for smaller businesses?
- Why the variance in Fillmore and Delta tax rates?
- They were told commercial businesses had not been re-evaluated for fifteen years because of a lack of funds and that is why the State Task Force helped in the process. Isn't this a conflict of interest?
- They want to know if something could be done now, so that it doesn't happen again in five years?
- The businessmen that came into Board of Equalization are grateful for the changes made on the assessments of their property.
- Did the businessmen not attending the Board of Equalization have any action taken on their property taxes?
- If the re-evaluation process wasn't done correctly then why weren't those businesses included for a change?

Assessor Jim Talbot said that every property was looked at and corrections were made if necessary. More information was given to the Assessor's Office that helped make a better decisions on the evaluations. The tax evaluation is a complicated process. Rent, leases and income are looked at, in addition to many other factors. The first rule of assessment is location, location, location.

One of the reasons for the difference in Fillmore at 90 cents and Delta City at \$1.75 or \$2.00 the rate is based on sales. Alco and Family Dollar Store sales were not included in the average land comparisons. To the Assessor's knowledge there were no tax breaks given to either Alco or Family Dollar by Millard County. Land is taxed as if it were vacant and then the buildings' values are added.

Assessor Talbot said that he had been encouraged by past Commissioners not to do a commercial property tax re-evaluations but he was to a point he had too. When he was asked by the Commissioners for the names, he didn't want to reveal their names. The State does a study on every county and the county must be within a 10 percent on any factor or they will step in. The property's value is examined every year and the commercial properties' re-evaluated every five years.

The general tax rate is affected by the centrally assessed tax rate.

The current County Commissioners were against the State coming down to do the evaluations. They said it was their opinion an assessment should be done every five years. The rise in the re-evaluations after a fifteen-year period is quite a jolt to the businessmen. The Commissioners encouraged the Assessor to go ahead and do a commercial property re-evaluation every five years.

Mr. Cahoon said that the businesses also need help and that money should not be always be spent on recreational facilities in the county that have to be maintained. The County should be putting money back into the business community to help the community look good. He asked if the same evaluation rate could extend for five years and then make adjustments if there are changes to the property? He asked what can be done to bring life into Millard County?

Assessor Jim Talbot said that what was said makes sense but Utah State Law does not allow that to happen. The values are looked at every year and adjustments are made.

Commissioner Cooper said that a meeting will be set up through UAC with the legislators for our area to discuss centrally assessed property. The problem is that over the past twenty years there has been a centrally assessed tax shift and it is a statewide problem. The businesses that are centrally assessed and not locally assessed have all kinds of advantages given to them by Utah State Tax Commission and they are not granted to small businesses. The Commissioners object to that fact and think it is not fair. The legislature has to be convinced to change this practice. Emery County tried to cut taxes across the board and they were forced to raise the taxes again. The best way to get some changes in the legislature is for everyone to write letters to the government leaders.

Alonzo Cahoon asked what steps can be taken in the future to make things better and alleviate problems in future?

Assessor Talbot said that an article will be put in the newspaper that shows the formula being used to assess properties making it available for people to look at.

NOON LUNCH BREAK

The Board of Equalization reconvened. Assessor Talbot updated the Commissioners on the remaining changes to be made on commercial property evaluations that were not previously reported. There is one more motel that was not in and he suggested that the building on this property be rolled to last years value and the land stay at the present value. All the businesses will be

notified of the changes and then the owner has thirty days to make an appeal to the State. A final list will be prepared and given to the Commissioners and the Clerk's Office.

Commissioner Smith made a motion to accept the changes to locally assessed properties. A letter will be sent to tax payers who received a change to their valuations. Any appeals will need to be done within thirty days to the Utah State Tax Commission.

Commissioner Walker SECONDED. The voting was unanimous. The motion carried.

Commissioner Smith made a motion to go out of the Board of Equalization.

Commissioner Walker SECONDED. The voting was unanimous. The motion carried.

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

All the Commissioners attended the 2005 USACC Conference in Midway, Utah on September 22 and 23, 2005. Senator Hatch attended some of the meetings.

Commissioner Smith reported that due to the Tenth Circuit Court ruling on the Campbell case that was filed in Garfield, San Juan and Kane Counties, the BLM has no right or authority to say whether or not a road is a county road. On Wednesday, September 21, 2005 the State of Utah had a public release stating that because of that ruling the state and counties are going to record in the County Recorder's Offices a legal description of the RS2477 roads that the county claims. They are trying to determine whether to use the legal description or the GPS centerline data. The County Recorders will get together to decide what is the best way to record the roads. The ruling also stated that construction on the road was done or none was needed. If the road was used then it is a road for whatever reason. Millard County will start with their Class B Roads.

Commissioner Smith said that the issue of the jurisdictional transfer of roads from the State of Utah to the counties was discussed. The Transportation Task Force had met and determined a process the state would have to go through to meet with the counties to look at roads in the future. The process has ended for now.

Commissioner Smith said the county will need to come up with a numbering system to identify the county roads. He will work with Adam Britt to get the numbering system set up.

One of the Federal agencies involved with the Resource Management Plan suggested the counties get the social and economic data together about the different industries in the county and the money they spend and what it means to the county. Some of the information is available from the State agricultural and mining offices.

Mike Styler, Director of Division of Natural Resources talked to the Commissioners about the problems of water sheds and the intrusive grasses. Some cultivating and seeding projects are going on to get rid of the Cheat Grass because it sucks water out of the ground and crowds out other plants. It is always good to improve the watersheds throughout the state. Private land owners,

federal and conservation groups are all working together on the projects.

Commissioner Cooper attended the Governors Council on Public Lands Advisory Council meeting. The desire of the council is for the state and other entities to speak with one voice concerning public land issues.

Commissioner Cooper and Fillmore City Mayor Starley attended the Territorial Park Management Planning Committee strategy meeting. The management of the State Territorial Park was discussed. Another meeting will be held in October 2005 to continue the discussion.

Commissioner Smith reported that Millard County will be updating the county transportation map that had been adopted by a 1999 Resolution and reference it to the updated Transportation Section of the Millard County General Plan.

Commissioner Cooper said the Millard County Comprehensive Land Use Plan Committee met in Delta, Utah. At the conclusion of the meeting everyone was requested to submit any comments and future desires of the committee. The committee will meet only as needed in the future.

Senator Bennett's Office is getting ready to draft legislation for Washington County bill soon. One suggestion is to have Beaver County and Millard County go together as a joint legislation.

Millard County Clerk Norma Brunson asked about the voters' registration forms. Commissioner Cooper said they had been inadvertently taken by Daggett County and they will be sent to the Clerk's Office.

OTHER BUSINESS

Millard County Attorney reported that the old courthouse was appraised on Friday, September 23, 2005.

Attorney LeRay Jackson reported that a state jail inspector was going to inspect the Public Safety Building. Captain Dekker had all the fire extinguishers in the building serviced. The Commissioners authorized payment to be taken out of the risk management budget. A contract will be set up with Bryce Ashby to do yearly service on the County's fire extinguishers through the maintenance budgets.

Attorney Jackson said that someone else owns the oil, gas and mineral rights, on the Duchesne County property owned by Millard County. The Commissioners authorized Attorney Jackson to make a counter offer of \$34,000 to the offer recently made on the property.

Commissioner Cooper said that the Fillmore Airport issue was discussed last week in Commission meeting last week. A motion was made not to help with the design plan for the airport. Commissioner Cooper said that there are so many other entities that use the facility it might be wise to help in the design phase. The Commissioners discussed the issue. Ed Phillips gave an update

to the Commissioners on a change to deplore the inmate work crew. Three inmates will be assigned to the road department for the full year. Some one from that department will be trained to be the supervisor over the inmates to call or radio for assistance. The inmates will be delivered to the work sight with a lunch and will be picked up after the work day. Other inmates can be assigned to the east and west maintenance department for projects that do not need a full eight man crew. They feel that this change will be a benefit to those departments as they can depend on the help for a longer period of time and will be available when needed. It will be a better use of the inmate crew.

POSSIBLE CLOSED MEETING PURSUANT TO UTAH CODE ANNOTATED SECTION 52-4-4&5

There were none.

WHERE UPON THE MEETING ADJOURNED

Commissioner Smith made a motion to adjourn the meeting.
Commissioner Walker SECONDED. The voting was unanimous. The motion carried.
The meeting adjourned at 2:45 p.m..

Attest: _____ Approved: _____