

MINUTES OF BOARD OF COUNTY COMMISSIONERS  
MILLARD COUNTY THE 21<sup>st</sup> DAY OF DECEMBER 2009  
AT THE COURTHOUSE, FILLMORE, UTAH

PRESENT: Kathy Y. Walker Chairperson  
Daron P. Smith Commissioner  
Bart A. Whatcott Commissioner

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

ALSO PRESENT: Spencer Smith Citizen  
Sheryl Dekker County Planning and Zoning  
Mel Bolling US Forest Service  
Steve Rodriguez US Forest Service  
Klint Penney County Maintenance Supervisor  
Todd Thompson Johnson Controls  
Preston Valona Johnson Controls  
Brandy Grace County Auditor  
Susan Wilcox County Assessor's Office  
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, 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 Walker to the public and Commission members.

OPENING STATEMENTS

Commissioner Walker asked if anyone had an opening statement to give. Commissioner Whatcott read two quotes from Albert Eienstein. "A person who never made a mistake, never tried anything new." "If you are out to describe

the truth, leave elegance to the tailor”. Commissioner Smith said the invocation. Everyone stood and said the Pledge of Allegiance to the Flag.

#### MILFORD WIND CORRIDOR LLC, PROJECT PROGRESS AND CONSTRUCTION

There was not a representative present.

#### RATIFY THE APPROVAL OF AN ENTERPRISE ZONE AREA FOR MILLARD COUNTY

Commissioner Smith made a motion to ratify the approval of an Enterprise Zone area for Millard County.

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

#### DISCUSSION AND POSSIBLE APPOINTMENT OF A MILLARD COUNTY TOURISM BOARD MEMBER

The Millard County Tourism Board would like to reappoint Gale Cluff as a member.

Commissioner Smith made a motion to reappoint Gale Cluff as a Millard County Tourism Board member.

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

#### DISCUSSION AND POSSIBLE APPOINTMENT OF RICK ARCHIBALD AS A Millard Economic Development Association (MEDA) MEMBER

Commissioner Smith made a motion to appoint Rick Archibald as a MEDA Member.

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

#### DISCUSSION AND POSSIBLE APPOINTMENT OF GORDON CHATLAND TO SPECIAL SERVICE DISTRICT NUMBER 8

Commissioner Smith made a motion to appoint Gordon Chatland to Special Service District Number 8.

Commissioner Whatcott SECONDED the motion. The voting was unanimous

and the motion carried.

#### DISCUSSION AND POSSIBLE REAPPOINTMENT OF ROBIN SMITH AND JOYCE BARNEY TO THE MILLARD COUNTY PLANNING COMMISSION

Commissioner Smith made a motion to reappoint Robin Smith and Joyce Barney to the Millard County Planning Commission.  
Commissioner Whatcott SECONDED the motion. The voting was unanimous and the motion carried.

#### DISCUSSION AND POSSIBLE ADOPTION OF RESOLUTION 09-12-21, A RESOLUTION AUTHORIZING SIGNATURES ON THE WEST MILLARD COUNTY JUSTICE BAIL ACCOUNT

Commissioner Smith made a motion to adopt Resolution 09-12-21, A resolution authorizing signatures on the West Millard County Justice Bail Account.  
Commissioner Whatcott SECONDED the motion. Clerk Brunson called for a roll call vote. Commissioner Smith voted YES. Commissioner Whatcott voted YES. Commissioner Walker voted YES. The voting was unanimous and the motion carried.

#### DISCUSSION AND POSSIBLE ADOPTION OF ORDINANCE 09-12-21, AN ORDINANCE AMENDING ORDINANCE 09-11-03, BY INCLUDING THE COST FOR TAPE, CD OR OTHER DEVICE PROVIDING RECORDED MATERIAL FOR A RECORDS REQUEST OR OTHER REQUESTED INFORMATION

Commissioner Smith made a motion to adopt Ordinance 09-12-21, an ordinance amending Ordinance 09-11-03, by including the cost for tape, cd or other device providing recorded material for a records request or other requested information. The Commissioners wanted to include a \$3 charge for mailing the material in addition to the \$10 charge for copying the tapes and or cd's. This new language was written into the ordinance.  
Commissioner Whatcott SECONDED the motion. Clerk Norma Brunson called for a roll call vote. Commissioner Whatcott voted YES. Commissioner Smith voted YES. Commissioner Walker voted YES. The voting was unanimous and the motion carried.

#### CONSIDERATION AND POSSIBLE APPROVAL OF RESOLUTION NO

09-12-21A, A RESOLUTION OF THE MILLARD COUNTY COMMISSION AMENDING SECTION XXI - "ADMINISTRATIVE POLICIES" OF THE MILLARD COUNTY PERSONNEL POLICIES AND PROCEDURES MANUAL REGARDING INDIGENT DEATH EXPENDITURES.

Attorney Waddingham read the changes made to the original policy.

Commissioner Whatcott made a motion to adopt Resolution 09-12-21A, a resolution of the Millard County Commission amending section XXI - "Administrative Policies" of the Millard County Personnel Policies and Procedures Manual regarding indigent death expenditures.

Commissioner Smith SECONDED the motion. Clerk Brunson called for a roll call vote. Commissioner Smith voted YES. Commissioner Whatcott voted YES. Commissioner Walker voted YES. The voting was unanimous and the motion carried.

DISCUSSION AND POSSIBLE APPROVAL OF MILLARD COUNTY'S PARTICIPATION IN THE NACO PRESCRIPTION DISCOUNT CARD PROGRAM FOR ALL MILLARD COUNTY CITIZENS

Commissioner Smith explained that by being a member of the National Association of Counties (NACo) Millard County is eligible to participate in a free prescription drug card program. In order to participate Millard County has to sign an agreement with Card Caremark PCS Health LP, which is an organization with which NACo has signed an agreement. A prescription drug card would then be distributed to the citizens of the county which they can present to a participating pharmacy, making them eligible for up to a 20% discount on their prescription drugs.

Commissioner Smith made a motion for Millard County to enter into an agreement with Cardmark PSC, LP through NACo, to provide Millard County's citizens a discount prescription card.

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

PUBLIC HEARING FOR THE PURPOSE OF RECEIVING PUBLIC COMMENT ON PROPOSED AMENDMENTS INCLUDING TEXT AMENDMENTS TO SEVERAL GOALS, OBJECTIVE, AND IMPLEMENTATION STRATEGIES, AS CONTAINED IN THE MILLARD COUNTY GENERAL PLAN - UTILITIES ELEMENT. THESE AMENDMENTS ARE BEING PROPOSED TO PROMOTE CONSISTENCY

**BETWEEN THE MILLARD COUNTY GENERAL PLAN AND THE LOCATION OF THE WEST-WIDE ENERGY CORRIDOR, AS LOCATED IN MILLARD COUNTY.**

Commissioner Smith made a motion to enter into public hearing for the purpose of receiving public comment on proposed amendments including text amendments to several goals, objective, and implementation strategies, as contained in the Millard County General Plan - utilities element. Commissioner Whatcott **SECONDED** the motion. The voting was unanimous and the motion carried.

Present were: Spencer Smith, Sheryl Dekker, Steve Rodriguez, and Mel Bolling.

Commissioner Walker called the public hearing together at 11:42 a.m.

Sheryl Dekker said that the Planning Commission has reviewed and agreed that the West Wide Corridor alignment should be amended along with general plan language. They are wanting to hold off on the decisions until they have the general plan language.

There were no other comments made.

Commissioner Whatcott made a motion to go out of the public hearing. Commissioner Smith **SECONDED** the motion. The voting was unanimous and the motion carried. The public hearing closed at 11:43 a.m..

The regular meeting reconvened.

**PUBLIC HEARING FOR THE PURPOSE OF RECEIVING PUBLIC COMMENT ON PROPOSED AMENDMENTS TO THE PREFERRED UTILITIES CORRIDOR MAP, AN OFFICIAL MAP CORRIDOR AND THE LOCATION OF THE WEST - WIDE ENERGY CORRIDOR, AS LOCATED IN MILLARD COUNTY**

Commissioner Whatcott made a motion to enter into public hearing for the purpose of receiving public comment on proposed amendments to the preferred utilities corridor map, an official map corridor and the location of the West - Wide Energy Corridor, as located in Millard County. Commissioner Smith **SECONDED** the motion. The voting was unanimous and the motion carried.

Present were: Spencer Smith, Sheryl Dekker, Steve Rodriguez and Mel Bolling.

Commissioner Walker called the public hearing together at 11:43 a.m.

Sheryl Dekker said that the Planning Commission has reviewed and agreed that the West Wide Energy Corridor map should be amended.

There were no other comments made.

Commissioner Smith made a motion to go out of the public hearing. Commissioner Whatcott **SECONDED** the motion. The voting was unanimous and the motion carried. The public hearing closed at 11:44 a.m..

The regular meeting reconvened.

**DISCUSSION AND POSSIBLE DECISION FOLLOWING A PUBLIC HEARING CONDUCTED DECEMBER 21, 2009. THE BOARD OF MILLARD COUNTY COMMISSIONERS WILL DISCUSS AND POSSIBLY MAKE A DECISION ON REVISION TO THE MILLARD COUNTY GENERAL PLAN - UTILITIES ELEMENT, INCLUDING TEXT AMENDMENTS TO SEVERAL GOALS, OBJECTIVES, AND IMPLEMENTATION STRATEGIES, AS CONTAINED IN THE MILLARD COUNTY GENERAL PLAN - UTILITIES ELEMENT TO PROMOTE CONSISTENCY BETWEEN THE MILLARD COUNTY GENERAL PLAN AND THE LOCATION OF THE WEST- WIDE ENERGY CORRIDOR, AS LOCATED IN MILLARD COUNTY**

Commissioner Smith made a motion to table this item until the January 5, 2010 Commission Meeting. Commissioner Whatcott **SECONDED** the motion. The voting was unanimous and the motion carried.

**DISCUSSION AND POSSIBLE DECISION FOLLOWING A PUBLIC HEARING CONDUCTED DECEMBER 21, 2009. THE BOARD OF MILLARD COUNTY COMMISSIONERS WILL DISCUSS AND POSSIBLY MAKE A DECISION ON AMENDMENTS TO THE PREFERRED UTILITIES CORRIDOR MAP, AND OFFICIAL MAP OF MILLARD COUNTY TO PROMOTE CONSISTENCY BETWEEN THE MILLARD COUNTY PREFERRED UTILITIES CORRIDOR AND THE LOCATION OF**

THE WEST - WIND ENERGY CORRIDOR, AS LOCATED IN MILLARD COUNTY

Commissioner Whatcott made a motion to table this item until the January 5, 2010 Commission Meeting

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

PUBLIC INPUT

There was none

POSSIBLE ADOPTION OF RESOLUTION 09-12-21 D, A RESOLUTION OF THE BOARD OF COMMISSIONERS OF MILLARD COUNTY, STATE OF UTAH, OPENING AND INCREASING THE 2009 GENERAL FUND BUDGET BY AMENDMENT

Commissioner Smith made a motion to table Resolution 09-12-21D, a resolution of the board of Commissioners of Millard County, state of Utah, opening and increasing the 2009 general fund budget by amendment. Commissioner Whatcott SECONDED the motion. The voting was unanimous and the motion carried.

POSSIBLE ADOPTION OF RESOLUTION 09-12-21B, A RESOLUTION OF THE BOARD OF COMMISSIONERS OF MILLARD COUNTY, STATE OF UTAH, TRANSFERRING UNENCUMBERED OR UNEXPENDED APPROPRIATION BALANCES FROM ONE DEPARTMENT IN A FUND TO ANOTHER DEPARTMENT WITHIN THE SAME FUND.

Auditor Grace said that she will call the departments before any money is transferred from the department's fund.

Commissioner Whatcott made a motion to adopt Resolution 09-12-21B, a resolution of the board of Commissioners of Millard County, State of Utah, transferring unencumbered or unexpended appropriation balances from one department in a fund to another department within the same fund.

Commissioner Smith SECONDED the motion. Clerk Norma Brunson called for a roll call vote. Commissioner Smith voted YES. Commissioner Whatcott voted YES. Commissioner Walker voted YES. The voting was unanimous and the motion carried.

POSSIBLE ADOPTION OF RESOLUTION 09-12-21C, A RESOLUTION OF THE BOARD OF COMMISSIONERS OF MILLARD COUNTY, STATE OF UTAH, ADOPTING A FINAL BUDGET FOR MILLARD COUNTY FOR FISCAL YEAR 2010 AND FIXING SALARIES FOR VARIOUS COUNTY OFFICERS

Auditor Grace explained changes that were made to the final budget since the tentative budget was adopted. She also said that a report reflecting salaries will be attached to this resolution.

Commissioner Whatcott made a motion to adopt Resolution 09-12-21C, a resolution of the board of Commissioners of Millard County, State of Utah, adopting a final budget for Millard County for fiscal year 2010 and fixing salaries for various county officers.

Commissioner Smith **SECONDED** the motion with discussion. Clerk Norma Brunson called for a roll call vote. Commissioner Whatcott voted YES. Commissioner Smith voted YES. Commissioner Walker voted YES. The voting was unanimous and the motion carried.

Commissioner Smith said that it would be nice to come up with a salary schedule for the elected officials and their deputies by January and by the next budget process have it be part of the resolution.

Clerk Norma Brunson had talked to Derrel Owens about getting an updated set of codes to the clerk's office.

DISCUSSION AND UPDATE ON PROJECTS FOR 2010 ROAD PROJECTS WITH THE US FOREST SERVICE - STEVE RODRIGUEZ

Steve Rodriguez reported on the Willow Creek Road project.

- The project went very well and they are extremely pleased with the results.
- They wanted to thank the commission for the help they gave in making the project happen.
- They milled six miles of road and all the pieces came together well.
- The fire crews did most of the roadside brushing.
- They were able to get enough moisture into the material as it was getting milled up.
- He presented before and after pictures of the project for the commissioners to review.
- They received the invoice last week from Millard County for payment, Millard County should be receiving that payment shortly.



- The final cost for six miles of road totaled \$78,050.
- While the contractors were out working they received several good comments.
- The road is so much smoother.
- They didn't replace the culverts but are hoping to do that this coming year.
- There is potential to do additional roads; one being Chalk Creek Road.
- He has current project proposals in for funding, but he is not sure how far up Chalk Creek Road they would be able to redo.
- They would time the project accordingly so that it would not interfere with on going events.

Commissioner Smith said that this is a great project. Last year the county didn't have the project budgeted. The county will have to budget for any future projects and address them in future budgets.

Mr. Rodriguez said that he and Mr. Bolling will come back after they have an idea of when and if they will be starting work on the Chalk Creek Road.

Mr. Rodriguez said that they do have an agreement in place to do mag chloride for next year.

Commissioner Smith made a motion to recess for lunch.

Commissioner Whatcott **SECONDED** the motion. The voting was unanimous and the motion carried. The meeting recessed at 11:59 a.m..

#### NOON LUNCH BREAK

Commissioner Smith made a motion to reconvene the meeting.

Commissioner Whatcott **SECONDED** the motion. The voting was unanimous and the motion carried. The meeting reconvened at 1:44 p.m..

#### APPROVAL OF DECEMBER 1, 2009 COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held December 1, 2009 were presented for consideration and approval. Following review and consideration of minor corrections Commissioner Whatcott made a motion to approve the minutes of December 1, 2009, as corrected.

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

#### APPROVAL OF THE BUDGET HEARING MINUTES OF DECEMBER 8, 2009

The proposed minutes of the budget hearing held December 8, 2009, were presented for consideration and approval. Following review and consideration of minor corrections Commissioner Smith made a motion to approve the budget hearing minutes of December 8, 2009, as corrected.

The motion died for a lack of a second. This item was tabled until the next commission meeting.

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

Commissioner Smith reported that he attended the Weed Board meeting on December 14. They talked about the Weed Board's responsibility and its taking over the weed department. The Weed Board will no longer be a part of the road department.

On December 11, he attended the Utah Association of Counties (UAC) Executive Committee meeting in Salt Lake City.

#### OTHER BUSINESS

Attorney Waddingham suggested to the Commissioners to try and put all items which they may consider on the agenda, instead of having to ratify them later.

Clerk Brunson said that Howard Western suggested to replace the current microphones with new and improved microphones when the budget would allow.

Commissioner Walker ordered a Special Commission Meeting to be held December 30, 2009 at 1:00 p.m. at the Millard County Courthouse, 50 South Main, Fillmore, Utah. For the purpose of considering the following items: Review and Possible Adoption of Resolution No. 09-12-30, a Resolution of the Board of Commission of Millard County, State of Utah Opening and Increasing the 2009 General Fund Budget by Amendment.

Ratification of BOE action on December 21, 2009 to waive penalty and interest and to take certain personal property belonging to Trilogy Leasing off the county tax rolls.

#### AUDITOR'S REPORT

She said that she received the addendum to the contract with Dental Select that

talks about the contingency funding from Michael Sharp for the Commissioners to review and sign.

Auditor Grace said that Susan Wilcox from the Assessor's Office had talked to her about some personal property which was billed to Trilogy Leasing. Susan Wilcox said that the Assessor's Office made several attempts to contact Trilogy Leasing, through a third party company, regarding the taxes on personal property. Trilogy Leasing finally responded that the property had been returned back in 2008.

Auditor Grace said that at this point if someone fails to respond earlier in the year, there are penalties imposed and the final step is to seize the equipment. The problem with this situation is that there is no equipment to seize. A decision needs to be made in Board of Equalization (BOE) to remove the value from the county's tax rolls.

Commissioner Smith made a motion to enter into a BOE.

Commissioner Whatcott **SECONDED** the motion. The voting was unanimous and the motion carried. The BOE began at 11:32 a.m..

Ms. Wilcox said that Trilogy Leasing had the equipment for one year and paid for the equipment in 2008. They returned the equipment on August 31, 2008 to the company without filing an affidavit with the county. Ms. Wilcox said the response problem lies with the third party that Trilogy Leasing was using who did not relay the messages given by the county.

Commissioner Whatcott made a motion to waive the penalties and interest and to take personal property belonging to Trilogy Leasing off the county tax roll. Commissioner Smith **SECONDED** the motion. The voting was unanimous and the motion carried.

Commissioner Smith made a motion to close the BOE.

Commissioner Whatcott **SECONDED** the motion. The voting was unanimous and the motion carried. The BOE ended at 11:41 a.m..

## **POSSIBLE APPROVAL OF HARDSHIP ABATEMENT APPLICATIONS**

Auditor Grace presented the commissioners with a hardship abatement application for Dan and Mona Smith; parcel number K-1834.

Commissioner Whatcott made a motion to abate 50% of Dan and Mona Smith's property taxes.

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

Treasurer Hansen presented the commissioners with a hardship abatement application for Edward L. and Babe Dewolf.

The Commissioners decided that they would need more information from the DeWolfs' before they made a decision to abate any of their taxes.

Treasurer Hansen said that in the past the county has abated property taxes for Phil O. Lambertsen; parcel number D-659-4. The drainage taxes have not been abated for 2007-2009 and has accrued penalties and interest for those years. Treasurer Hansen suggested to abate the drainage taxes as well as eliminate the penalties and interest for 2007 - 2009.

Commissioner Smith made a motion to abate the drainage taxes, penalties and interest for 2007, 2008 and 2009 for Phil O. Lambertsen.

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

Treasurer Hansen said that there has been an ongoing appeal regarding Frank Amyx's property value. The Assessor's Office has been working with him for about three years now. Treasurer Hansen sent him a letter in March of 2009. Mr. Amyx responded to the letter by sending in a tax payment with a check dated November 18, and a note that said the extra amount is for the balance of 2007 and 2008. Susan from the Assessor's Office reworked the values and found that the difference owed is minimal. Treasurer Hansen suggested that the county consider the 2007, 2008 and 2009 payments and compute it out so that the balance due is zero.

Commissioner Smith made a motion to abate the balance owed on Frank Amyx's taxes.

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

## TREASURER'S REPORT

Treasurer Hansen said that Sheri Dearden is working the delinquent list which will go into the paper next week. Approximately 1200 parcels are on the list this year. The county tax dollar amount is about 90% collected.

The state litigation committee had made a decision that they would not litigate

all of the centrally assessed appeals. They sent a letter stating that they would be sending a lot of the appeals back, so the county will be dealing with a lot in the future.

Attorney Waddingham will put a resolution together giving Treasurer Hansen the authority to sign resolutions authorizing signature cards for the county.

**OTHER**

A work session was held regarding applying for a grant that would be used for the county's heating system. A recording of this meeting is on file at the Clerk's Office.

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

There was none.

**WHERE UPON THE MEETING ADJOURNED**

Commissioner Whatcott made a motion to adjourn the meeting.  
Commissioner Smith **SECONDED** the motion. The voting was unanimous and the meeting adjourned at 3:26 p.m..

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

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