

MINUTES OF BOARD OF COUNTY COMMISSIONERS  
MILLARD COUNTY THE 18th DAY OF JANUARY 2011  
AT THE COURTHOUSE, FILLMORE, UTAH

PRESENT: Bart A. Whatcott. . . . . Chairperson  
Daron P. Smith. . . . . Commissioner  
James I. Withers. . . . . Commissioner  
  
Richard Waddingham . . . . . County Attorney  
Norma Brunson . . . . . County Clerk  
Marki Rowley. . . . . Deputy County Clerk

ALSO PRESENT: John Pelczar . . . . . First Wind  
Linda Gillmor . . . . . Millard County Economic Development  
Dexter Anderson . . . . . Citizen  
Teresa Turner . . . . . Citizen  
Trevor Townsend . . . . . UNEV  
Robert Dekker . . . . . County Sheriff  
Sheryl Dekker . . . . . County Planner  
Lindsay Mitchell . . . . . County Sheriff's Office  
Trent Wilde . . . . . USU Extension  
Brandy Grace. . . . . County Auditor  
John Hansen. . . . . County Treasurer  
Pat Manis . . . . . County Assessor

NOTE: Not all agenda items were followed in order.

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 Whatcott to the public and Commission members.

OPENING STATEMENTS

Commissioner Whatcott asked if anyone had an opening statement to give. Commissioner Smith said the invocation. Everyone stood and said the Pledge of Allegiance to the Flag.

## MILFORD WIND CONSTRUCTION AND PROGRESS UPDATE

John Pelczar reported the following:

- Construction is going well.
- They have 21 out of 68 turbines complete.
- They are ahead of schedule by about 7 turbines having the base and mid sections up.
- They have 6 electrical subcircuits. The first has been turned over to GE for commissioning.
- GE will start preconditioning this week which is everything they can do without power.
- They are supposed to get feed back power the first week of February.
- All substation modifications are complete.
- All collection systems and bare cable is in the ground.
- They are waiting for the components to be delivered for stack up.
- They are on schedule for April 15, 2011 COD.
- Deliveries are barely keeping ahead of construction.
- 37 turbines have been sitting on the ground for three years. Typically this is a much longer sitting time than normal. These particular turbines were earmarked for a project in NY which fell through leaving the turbines unused.
- They are pushing for Phase III.
- LA power balances its power from wind, coal and oil.
- They are guaranteed to supply a certain amount of kw hours on an annual basis.
- If Milford Wind does not supply the amount of kw hours guaranteed they will have to pay a penalty.

## DOUGLAS MESSERLY, DIVISION OF WILD LIFE, TO DELIVER A PILT PAYMENT

This item was tabled until February 15, 2011.

## RATIFY THE APPROVAL OF A PURCHASING CARD IN THE AMOUNT OF \$3,000 FOR COMMISSIONER JAMES WITHERS

Commissioner Smith made a motion to ratify the approval of a purchasing card in the amount of \$3,000.00 for Commissioner James Withers.

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

## POSSIBLE APPOINTMENT OF MOLLY STEVENS, GREG GREATHOUSE AND DAVID STURLIN TO SERVE ANOTHER THREE YEAR TERM ON MILLARD COUNTY PLANNING COMMISSION. TERM TO EXPIRE JANUARY 1, 2014

Commissioner Smith made a motion to appoint Molly Stevens, Greg Greathouse and David Sturlin to each serve another three year term on the Millard County Planning Commission. Term

to expire January 1, 2014.

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

## DISCLOSURE STATEMENTS

Disclosure Statements were submitted from the following employees:

Pat Manis  
Forrest Roper  
Lindsay Mitchell  
Richard Waddingham  
Norma Brunson  
Sheri Stephenson  
Marki Rowley  
Irene Scott  
Richard J. Carter  
John Hansen  
Sheri Dearden

The commission discussed each disclosure statement.

Commissioner Withers made a motion to accept the disclosure statements presented.

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

## POSSIBLE APPROVAL OF SENDING A LETTER TO THE BLM EXPRESSING MILLARD COUNTY BEING A COOPERATING AGENCY ON MILFORD WIND PHASE III

Commissioner Smith received a letter from BLM asking if Millard County wanted to participate as a cooperating agency for Milford Wind Phase III. By becoming a cooperating agency Millard County will be involved in the planning process getting the opportunity to provide input.

Commissioner Smith made a motion to send a letter to BLM accepting Millard County being a cooperating agency with BLM on the Milford Wind Phase III project.

Commissioner Withers SECONDED the motion. The voting was unanimous and the motion carried.\*\* need copy of letter received\*\*

## OTHER BUSINESS

The commissioners discussed the three main issues they want presented to Congressmen Chavetz's office; Secretary Salvazar's land issue, the water issue in the west desert and immigration reform. Commissioner Whatcott said that he will get back with Congressman Chafetz's office regarding these issues.

Commissioner Smith said that he talked with Linda Gillmor, Millard County Economic Development, about a few projects.

Linda Gillmor said that an assessment the county is involved in is called "Total Rewards" which includes anything that adds value to the county employees. If employees see value in working for the county they tend to be more motivated.

The other issue is from the stake holders, which is the county tax payers, who also need to see value in what the county is doing.

In talking to some of the county officials, they came up with some goals at a county level, namely; health safety and welfare, which is statutorily required, wise and efficient use of the tax dollars, various necessary services performed for the tax payers and maintaining quality of life.

They are hoping to evaluate whether or not the other departments are matching these values while using their employees and offering incentives to those employees.

Another step in the HR process that needs to be completed is the step and grade. The value attached to the step and grade for part time employees and exempt employees was not completed.

The step and grade does not currently cover the chief deputies, elected officials or part-time employees. This program will help to look at including these employees.

It was suggested to set a date with all the elected officials and department heads to inform them that someone will be visiting with them about the values and the goals they set at a department level, and how they offer incentives to their employees to do this, as well as, going over those employees that didn't finish the process in step and grade. They are hoping to give them an understanding as to what the county is trying to do. This meeting was set for February 1, 2011 at 2:00 p.m..

The commissioners and Ms. Gillmor talked about what will be discussed at the meeting.

Commissioner Smith said that Kevin Morris, West Millard Maintenance, has a few items out for bid that will be run in the paper for three consecutive weeks. He will also submit three telephone bids for drainage work at the fair facility in Delta. He is going forward with the capital projects which were approved for West Maintenance.

Commissioner Smith presented two telephone bids received from Todd Mullens for a filter system for the golf course. It is a unique filtering system and there is not a lot of places that provide it.

The two bids received were from Turf Equipment and Irrigation out of Midvale, Utah, who submitted two separate bids. One bid was for \$29,213.22 if they build the platform for the filter system. The other bid was for \$20,781.42 if the county will build the platform. The parts for the county to build the platform would be around \$2,000.

North Star out of West Valley, Utah submitted the other bid in the amount of \$40,893.37.

Commissioner Smith feels that the bid for \$20,781.42 meets all the specs for the project. The filter system will have self cleaning filters so the county will not have to replace the filters. This will help prevent the buildup from the hard water and will help save the system over the years. The county budgeted \$20,000 for the filter system.

Commissioner Smith made a motion to approve the purchase of the filter system from Turf Equipment and Irrigation in the amount of \$20,781.42 with the county building the platform.

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

Commissioner Smith presented two bids for an aerator lease. One is for a 5 year lease on a Toro ProCore 648 Aerator for \$19,671.93 submitted by Turf Equipment and Irrigation. The other bid was for a Ryan GA24 Greens Aerator for \$31,686.00 submitted by RMT Equipment out of Salt Lake City, Utah.

Commissioner Smith made a motion to approve the capital purchase of the Toro ProCore 648 Aerator for a five year lease totaling \$19,671.93.

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

#### UNEV CONSTRUCTION AND PROGRESS UPDATE

Trevor Townsend reported the following:

- They are currently working in two places in Millard County.
- They are starting out by IPP and are working North.
- Finally they do not have any dust or mud which has allowed them to make pretty good progress.
- They only have about 20-25 miles left to do in Millard County.
- Including revegetation they should be done in about 2 or 3 months.
- The first crews clearing the right-of-way should be at the end of Millard County's line by the end of the month. They will get a better idea of that next week after talking to the inspectors who are out there every day.
- BLM handles the direct communication of all the permittees.
- UNEV handles all the communication for all the private owners. They also notify BLM and sends them copies of all letters making them very aware of the progress.
- They are still working in spread six which is the southern region, due to the water washes from the rain.
- They will be moving into Nevada by the end of this month.

#### CONSIDERATION OF POSSIBLE APPROVAL OF A NON PLAT SUBDIVISION APPLICATION #Z-2010-027 - TERESA TURNER, APPLICANT FOR PROPERTY LOCATED AT 3900 WEST 800 NORTH, FLOWELL, UTAH

Sheryl Dekker, County Planner, said that Teresa Turner has applied for a non plat subdivision to break out an acre of land from a piece of property she has purchased from Duran Robison to put a home on.

The planning commission forwarded a favorable recommendation to approve the non plat subdivision with the stipulation that Ms. Turner also have recorded with the recordation certificate, a deed to the water, as well as, an agreement to keep the easement in place for the water to come

from her father's (Dexter Anderson) property to the home when it is built.

Commissioner Smith explained why it was important to have the deed to the water and the easement attached to the recordation.

Ms. Dekker recommends that Attorney Waddingham look at the easement before she has all three documents recorded.

Commissioner Smith made a motion to approve the non plat subdivision application #Z-2010-027 - Teresa Turner, Applicant for property located at 3900 West 800 North, Flowell, Utah. This approval is based on the approval of Attorney Waddingham reviewing the document and finding that everything is there in support of the Planning and Zoning's recommendation.

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

#### PUBLIC HEARING FOR THE PURPOSE OF RECEIVING PUBLIC COMMENT ON THE EXPENDITURES OF TITLE III FOREST SERVICE RESERVE PAYMENT MONEY

Commissioner Smith made a motion to enter into a public hearing for the purpose of receiving public comment on the expenditures of Title III Forest Service Reserve Payment Money.

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

Present were: Sheriff Dekker, John Hansen, Brandy Grace and Trent Wilde

Commissioner Whatcott called the public hearing to order at 11:10 a.m.

Commissioner Smith said that after this hearing the public has 45 days to make comment. No money has been spent that has been classified as Title III money. The last check received was for \$35,060.72. Over the past two years the total Title III money received is \$76,000.00 with two more payments to come.

Treasurer Hansen said that he thinks there are certain restrictions required with Title III money. In order for the county to spend the money it needs to comply with those restrictions. The county has to hold a public hearing which needs to be advertised appropriately. In order for the county to make expenditures it must indicate what the money is going to be used for. Then those expenditures have to be made and reports need to be done. Next, advances that come to the county from the Forest Service can be directed to another entity.

Auditor Grace said that if the money comes directly to the auditor or treasurer's office they would be responsible for certifying those funds. If the commission chooses to redistribute some of that money to the Fire Service District, and the State sends the money directly to the Fire Service District, the Fire Service District would be responsible to provide the certification.

At the initial public hearing, held November 5, 2008, it was indicated that some of that money was going to go to the Fire Service District. If this is still the commissioners intent then the appropriate action would be to direct a one time payment to the Fire Service District with the federal 2010 payment coming in around March.

Auditor Grace and Treasurer Hansen feel that if the money is going to go to another entity it should not be the responsibility of the auditor and treasurer to certify how that money will be spent.

Title III funds may only be used specifically to carry out the Fire Wise Community Program and reimburse for emergency services paid for by counties and performed on federal land; examples are: search and rescue, fire fighting and developing community wild fire protection plans. If the county does not determine where the money is going to be spent and have the ability to certify the money, the money will need to be returned.

The county could use the money for firefighting but Treasurer Hansen said that it would have to be identified exactly as to what incident it was and where the expenses went in order to use that money.

The money has to be obligated by September 30, 2012 or it will need to be returned. If the funds have not been certified by February 1, 2010 then those funds will not be able to go toward reimbursements for 2010 and can only be used for new purchases in 2011.

Treasurer Hansen said that if the commissioners are going to give the Fire Service District money the commissioners will need to notify the State immediately so they will send that money directly to the Fire Service District. He also said that the commission needs to decide if they want to use records for prior money that has been receipted, or if they want to use as much as they can of the money they have now during this year then use the balance in 2012.

Sheriff Dekker said that he is wanting to purchase a rescue vehicle that is built specifically for use in the mountains for search and rescue. Also, the communication unit or instant command unit still needs to be upgraded so that it can be moved into a forest fire or to any incident in Millard County. They have looked at the repeater site up Scipio which is on the Forest Service land and will be used for communications. These are just a few things he would like to do.

Treasurer Hansen said that part of the reason for this meeting is to decide what the money is going to be used for before it will need to be sent back.

There were no other comments made.

Commissioner Smith made a motion to go out of the public hearing.

Commissioner Withers SECONDED the motion. The voting was unanimous and the motion carried. The public hearing closed at 11:35 a.m..

The regular meeting reconvened.

Commissioner Smith made a motion to send a letter to the State asking that the Title III money be forwarded to the Fire Service District instead of Millard County for 2011 and that will be the county's commitment to the Fire Service District, whatever that payment is.

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

Later, Treasurer Hansen came back to the commission to say that his chief deputy informed

him that the Delta office received a check for \$30,000 plus or minus for the 2010 Title III money. There are two issues with that; one is that the payment is going to Delta and it needs to be brought to Fillmore so it can be receipted; the other issue is since the check has already been issued to Millard County they may not be able to redirect the money to the Fire Service District.

Treasurer Hansen and Auditor Grace said that if the Fire Service District had some projects in 2010, they could use the money for the reimbursement. The Treasurer's office would need to have justification before they could certify that money.

Commissioner Smith said that he was meaning for the Fire Service District to get the money for 2011 which will be disbursed in 2012.

Treasurer Hansen said that if the Fire Service District wants to use the money that has already been received they would have to provide the distribution justification.

It was decided that the commission will ask the State to reissue that money to the Fire Service District.

#### DISCUSSION AND POSSIBLE APPROVAL OF A STANDARD COOPERATIVE AGREEMENT FOR THE UTAH STATE UNIVERSITY (USU), EXTENSION EDUCATION WORK - TRENT WILDE

Trent Wilde, USU Extension, presented the Standard Cooperative Agreement for the USU extension education work for the commissioners to review and sign.

Mr. Wilde said that the university came up with additional money and is wanting to create a 40 hour a week position. The university will put \$13,500 toward that position and Millard County will pay \$9,000 out of the \$18,000 it is already paying for salaries toward this position.

This new position will perform the duties of the position which Jim Stevens just retired from, along with additional responsibilities. The university will advertise and interview for this position.

Commissioner Smith made a motion to approve the 2011 Standard Cooperative Agreement for the USU, Extension Education Work in Millard County with the budget attached of \$124,300 including the line item changes in the budget.

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

Commissioner Smith made a motion to enter into an amended Cooperative Agreement, stating that Millard County will participate not more than 50% to create a full-time 4-H Coordinating position. The person will be an employee of USU but will be working in Millard County. Millard County will be participating up to \$9,000 and supports advertising for filling that position to help with the stock show and other responsibilities and also to coordinate the 4-H program.

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

#### DISCUSSION AND POSSIBLE APPROVAL OF AN AMBULANCE ABATEMENT - LINDSAY MITCHELL

Lindsay Mitchell presented the commissioners with an ambulance abatement application from Helen Quarnberg regarding her husband Glen Quarnberg's ambulance bills totaling \$6,208.16.

Mr. Quarnberg had a total of 4 ambulance runs from 2008 to 2010. The Quarnbergs did not have insurance in 2008 when two of the four ambulance runs occurred. They have been making \$25.00 a month payments on that bill since 2008 and have brought the balance down. The Quarnbergs had Medicare when the other two ambulance runs occurred in 2010. Ms. Quarnberg is requesting an abatement on the remaining balance from 2008 and the co-pay balances from 2010.

Commissioner Smith made a motion to abate 100% of Mr Quarnberg's 2008 ambulance bill and have Mrs. Quarnberg continue to make the \$25.00 payments until the 2010 balance is paid off.

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

Commissioner Smith made a motion to recess for lunch.

Commissioner Withers SECONDED the motion. The voting was unanimous and the motion carried. The meeting recessed at 12:23 p.m..

#### COMMISSIONERS TAKE A TOUR OF THE MILLARD COUNTY JAIL

Commissioners Whatcott, Smith and Withers all took a tour of the Millard County Jail facilities.

#### NOON LUNCH BREAK

Commissioner Withers made a motion to reconvene the meeting.

Commissioner Smith SECONDED the motion. The voting was unanimous and the motion carried. The meeting reconvened at 3:04 p.m..

#### POSSIBLE ADOPTION OF RESOLUTION 11-01-18, A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MILLARD COUNTY, UTAH, AMENDING RESOLUTION 10-12-28, A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MILLARD COUNTY APPOINTING TRUSTEES TO THE BOARDS OF MILLARD COUNTY DRAINAGE DISTRICT 1 THROUGH DRAINAGE DISTRICT 4

Commissioner Smith made a motion to adopt Resolution 11-01-18, a resolution of the Board of County Commissioners of Millard County, Utah, amending Resolution 10-12-28, a resolution of the Board of County Commissioners of Millard County appointing trustees to the boards of Millard County Drainage District 1 through Drainage District 4 as follows: Drainage District 1, Gale Bennet; Drainage District 2, Tony Anderson; Drainage District 3, Kenneth G. Fowles; Drainage District 4, Scott Anderson.

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

POSSIBLE ADOPTION OF ORDINANCE 11-01-18, AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MILLARD COUNTY, UTAH, AMENDING TITLE 9, CHAPTER 1, OF THE MILLARD COUNTY CODE BY ADOPTING THE CURRENT EDITIONS OF THE INTERNATIONAL BUILDING CODE, INTERNATIONAL ELECTRICAL CODE, INTERNATIONAL PLUMBING CODE, INTERNATIONAL FIRE CODE, INTERNATIONAL MECHANICAL CODE, INTERNATIONAL CODE FOR ABATEMENT OF DANGEROUS BUILDINGS AND THE INTERNATIONAL RESIDENTIAL CODE.

Commissioner Smith made a motion to adopt Ordinance 11-01-18, an ordinance of the Board of County Commissioners of Millard County, Utah, amending Title 9, Chapter 1, of the Millard County Code by adopting the current editions of the International Building Code, International Electrical Code, International Plumbing Code, International Fire Code, International Mechanical Code, International Code for Abatement for Dangerous Buildings and the International Residential Code.

Commissioner Smith rescinded his motion and this item was tabled until the attorney arrived with the ordinance.

Later in the meeting, Commissioner Smith made a motion to adopt Ordinance 11-01-18, an ordinance of the Board of County Commissioners of Millard County, Utah, amending Title 9, Chapter 1, of the Millard County Code by adopting the current editions of the International Building Code, International Electrical Code, International Plumbing Code, International Fire Code, International Mechanical Code, International Code for Abatement for Dangerous Buildings and the International Residential Code.

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

#### PUBLIC INPUT

There was none.

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

Commissioner Withers attended a UAC meeting in Salt Lake City on January 6, 2011 regarding Secretary Salvazar's Wild Land issue.

Commissioner Withers met with the Chamber of Commerce on January 12, 2011, where Linda Gillmor gave a presentation about some of the things she was pursuing along the lines of Economic Development.

Commissioner Smith attended a planning and zoning meeting on January 5, 2011.

Commissioner Smith attended the UAC meeting on January 6, 2011 along with

Commissioner Withers, regarding public land issues.

Commissioner Smith met with Kevin Morris and was invited to attend a meeting January 19, 2011 to discuss the proposed race track in Delta.

Commissioner Smith and Sheryl Dekker spent some time working on the process of amending the Millard County General Plan, as far as the public land section, dealing with the WSA and other resource management areas in the county.

Planning and Zoning will hold a public hearing on February 2, 2011 to discuss amending the county general plan to include wilderness and resource management plans.

Commissioner Smith met with Tiffany James and Brian Pugh with Magnum Gas Storage on January 11, 2011 to discuss the continued CUP. They also met with Daryl Owens, County Building Inspector, to talk about the process of the CUP and the building permit.

There is a pre-building permit meeting coming up at the end of January.

Commissioner Smith said when the commissioners are in Washington D.C. they should meet with FERC who has been the lead federal agency of that project. He said that the commission should also try to set up a meeting with the Department of Energy.

Commissioner Whatcott attended the Six County meeting in Richfield, Utah.

Commissioner Whatcott had a meeting with the Fillmore Chamber President and went over the issues at the North Park and were trying to get the Fillmore Chamber up and running at a higher speed.

Commissioner Whatcott had a recreation meeting with the ATV Jamboree Committee at the BLM Office. This was the initial kick off meeting. They are working with a lot of people throughout the state including the DNR, BLM and the Forest Service.

Commissioner Whatcott attended a meeting at the State Capital Building in Salt Lake City, Utah regarding the visit from the Director of Interior Bob Abby. Commissioner Whatcott felt this was a very productive meeting and was very well attended. There were some good points brought up regarding Secretary Salazar's December 23, 2011 ruling.

#### APPROVAL OF DECEMBER 28, 2010 COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held December 28, 2010 were presented for consideration and approval. Following review and consideration of minor corrections Commissioner Smith made a motion to approve the minutes of December 28, 2010, as corrected.

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

#### APPROVAL OF JANUARY 4, 2011 COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held January 4, 2011 were presented for consideration and approval. Following review and consideration of minor corrections Commissioner Withers made a motion to approve the minutes of January 4, 2011, as corrected.

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

## AUDITOR'S REPORT

Auditor Grace presented the check edit of January 18, 2011 for the commissioners to review and sign.

She wanted to make the commission aware that she had not included, in the check edit, the quarterly payment that is made to the two recipients of the Hospital Trust. She asked her deputy, Lynette Madsen, to prepare those checks and get them in the mail because they are supposed to be received by the first of each quarter.

Auditor Grace presented invoices for the fourth quarter 2010 centrally assessed litigation fees from UAC in the amount of \$2,096.35 and the 2011 MCAT member dues in the amount of \$3,206.00.

Auditor Grace explained how those dues are assessed.

Auditor Grace received a notice from Central Utah Counseling Center, informing her that there is a meeting January 19, 2011 at 4:30 p.m. in Richfield, Utah to review its audit.

Commissioner Smith said that in the past he would attend the meeting and bring a copy of the audit back for review.

Auditor Grace was given a lease agreement, for a postage meter, by Millard County Justice Court. Auditor Grace will check with the justice court to see what they want done with the agreement.

Auditor Grace said that Ron Hare needs to be replaced as a John Hancock Trustee. It was suggested that Richard Beckstrand be the replacement. The Commissioners will talk to Mr. Beckstrand to see if he would be willing to fill that position.

## POSSIBLE APPROVAL OF HARDSHIP ABATEMENT APPLICATIONS

There were none.

## POSSIBLE BOARD OF EQUALIZATION (BOE) DISCUSSION AND OR ACTION

There was none.

## TREASURER'S REPORT

Treasurer Hansen received notice from the State Auditor's office informing him to withhold

funds for Drainage District 2, Drainage District 4 and Millard County, Water Conservancy District.

They have not filed the reports required by the State Auditor's office. These districts have received written notice and have been given at least 60 days to comply.

Treasurer Hansen reported that he received a letter from Wells Fargo stating that the county received \$697,343.00 (which includes \$420 from the checking account) by having its money in a CD. He said that it was interesting to see the interest received on the CD versus having the money with the State Treasurer receiving 1% or less that would have only earned \$150,000.00.

Treasurer Hansen received a bankruptcy notification regarding a bankruptcy entry for appearance and request for special notice in reference to Robert Norton Moran. The county doesn't have anything listed for him but he is party to Snow Board Adventures, LLC. Snow Board Adventures, LLC has quite a bit of property in Millard County but it is not listed on the bankruptcy notice. He gave the notice to Attorney Waddingham for his review.

#### OTHER

Treasurer Hansen, Assessor Manis and the Commissioners discussed escape property and what should take place when those properties go untaxed. They discussed in more detail a piece of property located in Kanosh that has been an escaped property since 1998. The statute states that the commission can go back as far as five years when taxing escaped properties. The commission decided they would go back three to five years when taxing most escaped properties.

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

Commissioner Smith made a motion to go into a closed executive session to discuss the character, professional competence or physical or mental health of an individual.

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

After the closed executive session the regular meeting reconvened at 4:53 p.m..

Commissioner Withers made a motion to deny the notice of claim filed by Brandon Bartholomew.

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

Commissioner Smith made a motion to ratify the signing of the agreement between Millard County and Brandon Bartholomew to waive the administrative hearing procedures.

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

Commissioner Withers read a letter submitted by Ira Jackson regarding the rising property

taxes with no representation and pot holes up Oak City Canyon.

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 4:59 p.m..

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

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