

MINUTES OF BOARD OF COUNTY COMMISSIONERS  
MILLARD COUNTY THE 3rd DAY OF MAY 2011  
AT THE COURTHOUSE, FILLMORE, UTAH

PRESENT: Bart A. Whatcott. . . . . Chairperson  
James I. Withers. . . . . Commissioner

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

ALSO PRESENT: Jean Smith . . . . . Citizen  
Dean Draper . . . . . Chronicle Progress  
Darrel Owens . . . . . Building Official  
Lindsay Mitchell . . . . . Sheriff's Office  
Kevin Morris . . . . . County Recreation  
Linda Gillmor. . . . . Economic Development  
Jim Beckstrand. . . . . Intermountain Healthcare  
Jacki Rinehart. . . . . Intermountain Healthcare  
Chris Thompson . . . . . Intermountain Healthcare

EXCUSED: Daron P. Smith. . . . . Commissioner

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 Whatcott read a quote from, Albert Camus: "Don't walk in front of me, I may not follow. Don't walk behind me, I may not lead. Just walk beside me and be my friend." Commissioner Withers said the invocation. Everyone stood and said the Pledge of Allegiance to the Flag.

Commissioner Whatcott excused Commissioner Smith from today's meeting. He is attending a mental health conference in San Diego, California.

## POSSIBLE APPROVAL OF A WEED BOARD MEMBER

This item was tabled.

## OTHER BUSINESS

Jean Smith came to discuss her delinquent property taxes. She said that since she moved to her home 7 years ago she has had several hard times. Several things have happened to her house making it unstable to live in. She is asking that the commission review her property value and possibly lower her taxes due for 2011 and to set up a payment plan of \$25.00 a month until the delinquent property taxes are paid off.

Commissioner Whatcott said that the commission would not be able to accept \$25.00 a month because if she only paid that amount it would take her approximately 9 years to pay off only the delinquent amount not counting the years to come.

Ms. Smith said that she met with Jim Talbot, while he was the county assessor, and discussed with him the taxes that he put on her unfinished house. Mr. Talbot lowered her taxes but the next year the taxes doubled in price.

Commissioner Withers questioned why the amount of property taxes owed doubled in one year. Commissioner Whatcott said that he will have someone from the assessor's office go out and reevaluate the property. He will let her know what they find and will bring this item back to a future commission meeting. In the meantime, Ms. Smith will make her requested \$25.00 monthly payments until an accurate amount for taxes can be determined.

## REQUEST FOR COMMISSION WAIVER - DELTA AREA CHAMBER OF COMMERCE - SANDEE CROPPER

Commissioner Withers made a motion to waive the fees allowed by policy for the use of the county fair building and stage for Delta Area Chamber of Commerce - Sandee Cropper.

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

Attorney Waddingham later indicated that the policy would allow for a 50% fee waiver.

## DISCUSSION AND POSSIBLE RESCHEDULING OF THE JUNE 21, 2011 COMMISSION MEETING

Commissioner Whatcott said that a summer workshop for election training will be held on June 21, 2011. Clerk Brunson said that this training will include building the election database. Previously the county has had to hire a technician to come in and build the election database, costing the county \$7,500 per election. Once training is complete it will be a cost saving to the county.

Commissioner Withers made a motion to reschedule the June 21, 2011 Commission Meeting to June 28, 2011.

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

#### DISCUSSION REGARDING STALL RATES AND POSSIBLE APPROVAL OF PURCHASING BUCKING CHUTES - KEVIN MORRIS

Kevin Morris discussed changing the rates for the horse stalls as follows: \$15.00 for the first night, \$25.00 for up to one week and \$50.00 for one month. This will simplify the billing process to be sure that the stalls are being adequately billed.

The commission discussed that Fillmore and Delta Equestrian Park fees should mirror each other. Changing the rates would require an amendment to the policy.

Mr. Morris also discussed with the commissioners the possibility of purchasing the bucking chutes that Frank Noise has been letting the county use for free. Mr. Noise wants to get out of the business and is willing to sell the bucking chutes along with the gates and panels to the county for \$16,000. Mr. Morris shopped around and found that buying this equipment new would cost around \$52,000. Mr. Noise is also willing to sell just the chutes for \$6,000 which would cost \$13,000 if purchased brand new. The bucking chutes, panels and gates are in real good condition for the price Mr. Noise is asking. Mr. Morris has \$6,000 in his budget now and Mr. Noise said that he would be willing to hold off for the rest until next year if the county chooses to purchase it all.

Commissioner Whatcott said that when the county spends money the people want to see the revenue that will come from the purchase. The commission would like Mr. Morris to put together a possible revenue list for the commission to review at a later commission meeting.

Commissioner Withers made a motion to table purchasing the bucking chutes until further investigation can be done into possible revenue sources.

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

Attorney Waddingham discussed insurance waivers for the events held on county property.

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

Lindsay Mitchell presented an ambulance abatement application for Mary Hagland. Ms. Hagland's insurance paid all but \$154.37 which is her co-payment. Ms. Hagland is retired and has a monthly gross income of \$1,000.00 and pays monthly expenses of \$2,200.00. She listed her home as her only asset and the \$154.37 ambulance bill and a \$150.00 physical therapy bill as her only debt.

The commissioners reviewed the application and all the information provided and requested more financial information from Ms. Hagland. Ms. Mitchell will send Ms. Hagland a letter requesting her household income and expenditures.

Lindsay Mitchell presented an ambulance abatement application for Ray Price. Mr. Price's ambulance bill is \$788.22. Mr. Price's monthly income is \$1,026.63 and his monthly expenses are

\$1,807.00.

The commissioners reviewed the application and all the information provided.

Commissioner Withers made a motion to abate 45% of Mr. Price's ambulance bill and set up a payment plan that he would be able to afford.

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

#### UNEV CONSTRUCTION AND PROGRESS UPDATE - CINDY GUBLER

This item was tabled.

#### REVIEW OF THE INTERMOUNTAIN HEALTH CARE (IHC) INVOICE AND EXPLANATION OF CHARGES - JIM BECKSTRAND

Commissioner Whatcott said that the idea behind the meeting today is to get all the information and have Auditor Grace go through that information. Afterwards, the commission will bring this back to a later commission meeting to try to come to an agreement with IHC.

Chris Thompson said that when they presented the invoice at the last commission meeting, there were some questions regarding expenses that were billed after the agreement was terminated.

He prepared a summary of what those expenses were, month to month, and presented it to the commission for review.

Mr. Thompson said that the commissioners also asked that IHC contact Traditions, who now holds the contract for Millard Care and Rehabilitation (MC&R), to double check that they received the payment of \$77,000 which was reimbursed back to Medicaid by IHC. Jackie Rhinehart said that she verified that Traditions did receive those payments.

Mr. Thompson said that when the agreement terminated in February 2008, there were accounts that had not been paid and expenses that were still lingering. IHC was contacted by Medicaid and informed that they owed them \$77,000 for payments made to IHC when the payments should have been made to Traditions. IHC claims that it had already sent the \$77,000 payment to the county.

After all the accounts were collected and the expenses paid, IHC claims the county owes it \$48,594.77.

Ms. Rhinehart explained why IHC owed Medicaid money. Medicaid makes a bulk payment based on history of claims at the first of the month. When they send in the claims it would go against that money. Medicaid was sending the bulk payment to IHC when it should of been paying Traditions. Traditions had not notified Medicaid of the change and Ms. Rhinehart was not aware that they did not inform Medicaid.

The auditor and commissioners will go over the information and possibly make a decision at the May 17, 2011 commission meeting.

#### OTHER BUSINESS CONTINUED

Linda Gillmor presented a MOU for the commissioners to review and sign. She said that she received an email requesting that the MOU be signed and sent back to the State of Utah.

The Legislator amended the existing Industrial Assistant Fund legislation to let the Governor's Office of Economic Development use part of the Industrial Assistance Fund Money which was earmarked for Rural Utah.

They are allowing them to use the funds for a program called the Business Expansion and Retention Program. They calculated how many visits considering the number of businesses in Millard County and they are willing to pay up to \$15,000.00 equaling \$100.00 a visit. This would be a business visit which would require Ms. Gillmor to fill out 80% of each form and enter it into the computer. She would also have to find out what the businesses need and make referrals.

This program would also encourage the county to let Ms. Gillmor use more of her time specifically for economic development and these visits.

**\*\*Need signed copy\*\*\***

A disclosure statement was submitted from Travis Archibald.

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

Commissioners Whatcott, Smith and Withers met with Bryan Harris, John Hansen, Pat Manis and Brandy Grace to talk about the value of the Milford Wind Farm. They have an appointment set up with the State Tax Commission at a later date.

Commissioner Whatcott met with Captain Forrest Roper to review plans for the construction of the East Millard ambulance shed to be built just North of the public safety building.

Commissioner Whatcott met with the Millard County mayors at a regular Association of Government (AOG) where they had two speakers from Rural Water who talked about source protection for our communities drinking water systems, wells and springs.

Commissioner Whatcott attended a fair on renewable energy at Milford High School.

Commissioner Whatcott attended the counties state appeals on property taxes at the Millard County Commission Chambers.

Commissioner Whatcott attended a Tourism meeting regarding the National ATV Jamboree, which will be held June 20, 2011 through June 25, 2011.

Commissioner Withers attended the County Republican Convention where they implemented the new state law governing the replacement procedures for elected officials who resign.

Commissioner Withers met with Community First which is a group that helps underprivileged kids in the Delta area.

Commissioner Withers met with the Rodeo Committee concerning the upcoming Days of the Old West Rodeo.

#### APPROVAL OF APRIL 19, 2011 COMMISSION MINUTES

Commissioner Withers made a motion to table the approval of the minutes of April 19, 2011 for further discussion.

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

#### OTHER

Commissioner Whatcott said that the county has had a contract with Otis Elevator since 1997. The amounts paid have substantially increased over the years. There is some language in the contract that he does not understand. He will talk to Attorney Waddingham regarding this issue.

#### AUDITOR'S REPORT

Auditor Grace presented the check edit of April 29, 2011 for the commissioners to review and sign.

She presented an engagement letter from the auditing firm Larsen and Rosenburger for the commissioners to review and sign. The letter lays out the scope of work and what they will be auditing. They are requesting the commissioners to sign the form to show that they acknowledge the scope of the work.

On April 6, 2011, the Utah Retirement Systems completed a compliance audit for the county. They looked at the payroll records, the policy and procedures manual and contributions that were submitted for the retirement pension and divine contribution plans. The results for that audit indicate that the county is in compliance in all areas. They did say that Millard County's policies are some of the best written policies that they had audited and they were very impressed.

#### POSSIBLE APPROVAL OF HARDSHIP ABATEMENT APPLICATIONS

There were none.

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

There was none.

#### PUBLIC INPUT

There was none.

## TREASURER'S REPORT

Treasurer Hansen presented the monthly reconciliation reports for the commissioners to review.

The State Property Tax Division meeting will be held Tuesday, May 10, 2011 at 9:00 a.m.

Treasurer Hansen explained that every year the county sends out a tax notice and in order for the drainage districts to have the value put on the tax notice they have to sign an affidavit stating that they received the statement of values from the county and that they approve those values. Theo Barry sent his affidavit back stating that he disapproves with the drainage roll for District 3 for the 2011 year, because Kenneth Fowles and Darryl Fowles have large pieces of land that are not included on the Drainage District Number 3 rolls.

The only property that the county could find in those names were listed on the drainage district roll. If the drainage districts do not approve the roll they will need to provide the county with the reasons why they do not approve the roll and they need to do it quickly or they will not receive money this year.

Treasurer Hansen discussed the properties listed on the upcoming tax sale. . He said that he was told that Gentry Hansen - Jean Smith's property will be removed from the tax sale. He said that the commission cannot go back and change property values but they can abate property taxes.

Treasurer Hansen said that Ms. Smith told Auditor Grace that she had made arrangements through Zions Bank and Millard County to pay the county \$25.00 a month until her taxes are current. He said that paying this amount would not even pay the current taxes owed or ever pay the delinquent taxes off.

Commissioner Whatcott said that he explained to Ms. Smith that she would not be able to pay only \$25.00 a month. The county is going to have the assessor's office go out and reevaluate the property and they would make a decision at a later commission meeting.

Treasurer Hansen said that Ms. Smith's home was removed as a primary residence since she was no longer living in the home and that could be the reason why her property taxes increased in one year.

Treasurer Hansen said that Todd Tolley told him that he would make a payment today at the Delta office, so far he has not done so.

Treasurer Hansen said that at the last meeting the commission granted hardship abatements to Denise McCoy and Penny Young. He said that he is assuming that the hardships were granted for the 2011 taxes and not a credit for the 2010. He said that Ms. McCoy has two parcels, one parcel is just land and the other is the home. The home property taxes were paid for by the mortgage company. He was confused as to why there was a property tax abatement for a property that was paid. He will talk to Auditor Grace to get more information as to what property she received the abatement on.

Treasurer Hansen said that Chris Kofford has two parcels of property; one is the dwelling and

the other is a piece of ground. The home property taxes were paid current by the bank. The piece of ground has not been paid. It was on the tax sale listing about 5 years ago. On April 12, 2008 the county received a letter requesting the property be removed and a payment plan be set up. The property is now back on the sale. Treasurer Hansen suggested that the commission do not grant him additional time on this year's taxes, if he requests it.

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

There was none.

WHERE UPON THE MEETING ADJOURNED

Commissioner Withers made a motion to adjourn the meeting.

Commissioner Whatcott stepped from the chair and SECONDED the motion. The voting was unanimous and the meeting adjourned at 12:36 p.m..

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

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