

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 21st DAY OF JUNE 2011
AT THE COURTHOUSE, FILLMORE, UTAH

PRESENT: Daron P. Smith..... Commissioner
James I. Withers..... Commissioner

Richard Waddingham County Attorney
Susan Wilcox..... Deputy County Assessor

EXCUSED: Bart A. Whatcott. Chairperson
Norma Brunson County Clerk
Marki Rowley. Deputy County Clerk

ALSO PRESENT: Russel Olsen Larson & Rosenberger
Bryan Harris First Wind
Brandy Grace County Auditor

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 Pro Tempore Withers to the public and Commission members.

OPENING STATEMENTS

Commissioner Withers asked if anyone had an opening statement to give. Commissioner Smith read a quote from Thomas Jefferson: “Confidence in my countrymen generally leaves me without much fear for the future”. Commissioner Smith said the invocation. Everyone stood and said the Pledge of Allegiance to the Flag.

POSSIBLE APPROVAL OF THE APPLICATION FORM FOR STORING EXPLOSIVE MATERIAL IN MILLARD COUNTY

Commissioner Smith made a motion to table the approval of the application form for storing explosive material in Millard County.

Commissioner Withers stepped from the chair and SECONDED the motion.

REVIEW AND POSSIBLE APPROVAL OF A BUSINESS LICENSE FOR ROBERT C. APPERSON CABINETS - OWNER ROBERT C. APPERSON

Commissioner Smith made a motion to table the approval of a business license for Robert C. Apperson Cabinets - Owner Robert C. Apperson.

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

DISCUSSION AND POSSIBLE APPROVAL OF THE STATE COURT CONTRACTUAL AGREEMENT

Commissioner Smith made a motion to table the approval of the State Court Contract Agreement. The contract had not been delivered to the Commissioners.

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

Later, after the State Court Contract was delivered, Commissioner Smith made a motion to approve the State Court Contract Agreement.

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

REVIEW AND POSSIBLE SIGNING OF THE JOINT FUNDING AGREEMENT (JFA) WITH USGS AND MILLARD COUNTY FOR THE WEST DESERT WATER RESEARCH

Commissioner Smith made a motion to sign the JFA with USGS and Millard County for the West Desert Water Research.

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

CONSIDERATION AND POSSIBLE APPROVAL OF CONVEYING TO THE ABRAHAM IRRIGATION COMPANY, A UTAH NON-PROFIT CORPORATION, MILLARD COUNTY'S INTEREST IN 2.32 ACRES OF A CANAL WHICH IS PART OF THE ABRAHAM IRRIGATION COMPANY'S DELIVERY SYSTEM

Attorney Waddingham explained the requirements for conveying real property valued at under \$25,000.00. The property at issue is a portion of a canal which is part of the Abraham Irrigation Company's distribution system. It consists of approximately 2.32 acres and is valued at less than \$300.00. It was acquired by the County at the 2011 May tax sale. Pursuant to County ordinance, the County Commission, at a regularly scheduled Commission meeting, must review and approve the disposition of the property, the manner of disposition, and the consideration benefitting Millard County. The consideration may be other than monetary.

Millard County has never used this property. The Commission feels it is in the best interest

of the county and its citizens to convey its right, title and interest in the property to the Abraham Irrigation Company, who already has a prescriptive easement in the canal. The Commission finds that the consideration received for conveying the property is avoidance of potential liability that comes from operating an irrigation delivery system.

Commissioner Smith made a motion to approve conveying to the Abraham Irrigation Company, a Utah Non-Profit Corporation, Millard County's interest in 2.32 acres of a canal which is part of the Abraham Irrigation Company's delivery system.

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

OTHER BUSINESS

Commissioner Smith received a letter from the School Institutional Trust Lands Association (SITLA), which states that they have a number of parcels by Oak City for sell in Millard County.

Commissioner Smith spoke with Mark Ward, UAC Attorney, who represents Millard County in the Snake Valley Water case. Mr. Ward has to renew his associate counsel fees which are \$500 for each county. UAC will cut a check and invoice Millard County.

The Nevada State Engineer's Office decided to have a web broadcast of the hearing in October after a lot of people have made a request. Southern Nevada Water Association has agreed to pay for half the cost and have the other counties pay \$500 towards the other half. The county will be invoiced for the \$500.

Commissioner Smith said that there will be a race held in the County this Saturday on the oval track in Delta. There will also be a number of races held there in the future. It was discussed earlier that the Tourism Committee will spend approximately \$500 to promote these events.

Commissioner Smith made a motion to approve the expenditures in the Tourism Committee's budget to promote the event coming up this Saturday.

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

Commissioner Smith said that Delta City and Hinckley City are interested in using the bleachers that the county recently purchased. It was discussed that if an entity or organization sponsors an event that would like to use the bleachers and does not charge an admission fee, there will not be a charge for providing the bleachers. If an entity will be charging admission, the county will charge a fee for the use of the bleachers to help recoup the cost of purchasing the bleachers.

It was also stated that only people who are familiar with setting up the bleachers will be allowed to set them up.

Commissioner Withers said that there have been several people voice concern over the potential flooding in the county.

Assessor Manis presented the commissioners with the Personal Property Exemption list which are businesses who claim to have personal property of less than \$3,800.00. He explained the process and the importance of personal property audits.

The approval of this list must be done at a Board of Equalization meeting, which will take place at the July 5, 2011 commission meeting.

PRESENTATION OF THE 2010 INDEPENDENT AUDIT

Russell Olsen, Larson & Rosenburger, presented the 2010 Independent Audit. He reviewed and explained to the commissioners the Independent Auditor's Report, the State Compliance and the Government Auditing Standards Report.

Mr. Olsen said that Millard County does a good job.

AUDITOR'S REPORT

Auditor Grace presented the check edit of June 20, 2011 for the commissioners to review and sign.

Auditor Grace received the 2011 charity plan for both Delta and Fillmore IHC Hospitals, which will be filed in her office and available for review.

Auditor Grace received notice from the State Auditor's Office stating that the following entities have not complied with their reporting and will not receive any disbursements:

- Drainage District Number 2
- Drainage District Number 3
- Mosquito Abatement District

Auditor Grace presented the Utah Retirement Systems form that involves Long Term Disability and Tier II members for the commissioners to approve and sign.

Commissioner Smith made a motion to continue to fund retirement contributions under Tier II for long term disability.

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

Auditor Grace said that Treasure Hansen received a response back from one of the appraisers with the Utah State Tax Commission, who told him that they would be in favor of having a meeting with Millard County and First Wind. They also requested that if an agreement is possible to please get that in place soon.

Treasurer Hansen would like to have a meeting with Millard County officials before having a meeting with the State Tax Commission and First Wind.

Auditor Grace informed the commissioners that the tax rates need to be set. This will be on the next commission agenda.

POSSIBLE APPROVAL OF HARDSHIP ABATEMENT APPLICATIONS

There were none.

POSSIBLE BOARD OF EQUALIZATION (BOE) DISCUSSION AND OR ACTION

There was none.

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

Commissioner Smith reported that he attended a Central Utah Counseling Mental Health Authority Board meeting in Richfield, Utah on June 15, 2011.

Commissioners Smith, Withers and Whatcott attended a ribbon cutting ceremony for Milford Wind Phase II in Milford, Utah on June 14, 2011.

Commissioner Smith attended the Mosquito Abatement District meeting June 20, 2011. They discussed the potential mosquito problems due to the flooding.

Commissioner Smith and Withers attended the rodeo and felt like it went pretty smooth. They both thought that the rodeo committee did a very good job.

Commissioner Withers and Thayne Henrie, Road Supervisor, spent some time working on the flood issues. Commissioner Withers praised the Road Department for stepping up and helping with the flood issue.

Commissioner Withers visited with Brandon Anderson, Rodeo Chairman, regarding the rodeo and expressed his opinion of taking care of financial issues in a timely manner.

APPROVAL OF JUNE 7, 2011 COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held June 7, 2011 were presented for consideration and approval. Following review and consideration of minor corrections, Commissioner Smith made a motion to approve the minutes of June 7, 2011, as corrected.

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

PUBLIC INPUT

There was none.

TREASURER'S REPORT

There was none.

OTHER

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

There was none.

Commissioner Smith made a motion to adjourn the meeting.

Commissioner Withers stepped from the chair and SECONDED the motion. The voting was unanimous and the meeting adjourned.

After lunch, Commissioner Smith made a motion to reconvene the commission meeting due to the appearance of Brian Harris with First Wind.

Commissioner Withers stepped from the chair and SECONDED the motion. The voting was unanimous and the meeting reconvened.

Brian Harris, First Wind, discussed the 2010 Stipulation Agreement to reevaluate taxes for 2010. The Commission would like to visit with Tom Peters on this matter. Mr. Peters, a tax attorney, represents Millard County on centrally assessed issues.

Commissioner Smith made a motion to sign the 2010 Stipulation Agreement with First Wind, contingent on a discussion and recommendation from Tom Peters.

Commissioner Withers stepped from the chair and SECONDED the motion. The voting was unanimous and the motion carried. *need copy*

WHERE UPON THE MEETING ADJOURNED

Commissioner Smith made a motion to adjourn the meeting.

Commissioner Withers stepped from the chair and SECONDED the motion. The voting was unanimous and the meeting adjourned.

Attest: _____

Approved: _____