

MINUTES OF BOARD OF COUNTY COMMISSIONERS  
MILLARD COUNTY THE 4th DAY OF SEPTEMBER 2012  
AT THE COURTHOUSE, FILLMORE, UTAH

PRESENT: James I. Withers..... Chairperson  
Bart A. Whatcott. .... Commissioner  
Daron P. Smith..... Commissioner

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

EXCUSED: Norma Brunson ..... County Clerk

ALSO PRESENT: Linda Gillmor ..... Millard County Economic Development Director  
Lindsay Mitchell ..... County Sheriff's Office  
Terry Scottorn ..... County Weed Department  
Pat Manis . .... County Assessor  
Dan Brinkerhoff . .... Brinkerhoff Stables  
Brandy Grace . .... County Auditor  
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, Utah, 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 Withers to the public and Commission members. Commissioner Withers congratulated the Millard Eagles for their win against the Delta Rabbits this last week. He also said that he is glad to hear that TJ Stevens is doing better and is out of the hospital.

OPENING STATEMENTS

Commissioner Withers asked if anyone had an opening statement to give. Commissioner Whatcott read a quote from Thomas Jefferson: "The democracy will cease to exist when you take away from those who are willing to work and give to those who are not." Commissioner Withers said the invocation. Everyone stood and said the Pledge of Allegiance to the Flag.

Commissioner Withers excused Clerk Brunson from today's meeting due to other clerk responsibilities.

## APPROVAL OF AUGUST 21, 2012 COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held August 21, 2012 were presented for consideration and approval. Commissioner Whatcott made a motion to approve the minutes of August 21, 2012, as presented.

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

## AUDITOR'S REPORT

Auditor Grace said that her office sent out the budget reports to the departments last week along with instruction to have them returned to her office in two weeks. She said that she needs some tentative dates from the Commission to meet with the department heads and supervisors to review their budget requests. The Commission discussed reviewing the proposals on September 18, 2012 and to set up times to meet with the department heads after reviewing the proposals.

Auditor Grace questioned if the commissioners had received the agreement for the re-seeding project for Oak City with RCF. Commissioner Withers said that the agreement should be in his mailbox downstairs. Auditor Grace said that they sent an email requesting that the quarterly report be submitted along with any expenses.

The commissioners discussed the agreement and who will be the person that will be taking charge of that project.

Auditor Grace discussed the US Geological Survey (USGS) funds for the water study done by David Susong. Commissioner Withers said that Millard County committed \$25,000.00 and all of the counties who committed funds, except for Utah County, has paid its share. The county has \$64,000.00 to put toward paying for the study.

Auditor Grace said that she has not received an invoice on this. Commissioner Whatcott said that he will contact Mr. Susong and request an invoice be submitted to the county for payment of the \$64,000.00. Auditor Grace said that the invoice needs to be paid this year.

Commissioner Withers said that the commission would like a copy of the information and the record of the completed results of the study.

Auditor Grace said that as far as board of equalization, Assessor Manis has been able to stipulate on most of the appeals. It is her understanding that if he is able to stipulate with the taxpayer she is to process them. She will provide a report to the commissioners when those are complete.

She said that there are a few that Assessor Manis is still reviewing, two of which have requested a hearing at this point. The deadline date to file a protest is September 15, 2012.

## POSSIBLE APPROVAL OF HARDSHIP ABATEMENT APPLICATIONS

There was none.

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

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 10:21 a.m..

Assessor Manis said that Screaming Eagle Raceway did not file its personal property taxes so the Assessor's Office did an assessor's estimate of the business and when sent to Screaming Eagle Raceway did not receive a response. Screaming Eagle Raceway has an outstanding bill in the amount of \$68.22 for personal property taxes, including penalties and interest.

Screaming Eagle Raceway went into foreclosure this year and the business name has been changed to the name of the lender and may have already been sold.

Assessor Manis said that there is no personal property attached to this business anymore and since the business is no longer owned by Screaming Eagle Raceway and has a different business name he and Treasurer Hansen felt that the new business should not have the delinquent personal property taxes attached to it.

Assessor Manis is requesting that the Commission abate the amount owed.

Commissioner Whatcott made a motion to abate Screaming Eagle Raceway's delinquent personal property taxes in the amount of \$68.22 on account number P008014.

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 10:23 a.m..

## TREASURER'S REPORT

Treasurer Hansen presented the financial report for August 2012, which shows the various county funds and the balance in those respective funds. He explained that as of the end of June the Treasurer and Auditor's funds are in balance. He explained the other line items on the reports.

Treasurer Hansen also presented a spreadsheet which showed the tax rates from 2011 and the proposed tax rates for 2012 and explained the differences.

Treasurer Hansen presented the Treasurer's Tax Collection and Distribution report for August 2012. He said that there is nothing different on this report other than it shows how much was collected and distributed. There are only 4 entities that received money during the month of August 2012. All other entities receive distribution quarterly. He explained that taxes collected during the month of July are distributed in August.

Treasurer Hansen explained in more detail the reports and the line items.

## REQUEST FOR COMMISSION WAIVER - DELTA TRI-DELS, CRAFT FAIR FUND RAISER -

SANDEE CROPPER

Commissioner Smith made a motion to waive 50% of the fees for the Delta Tri-Dels for the use of the exhibit building in Delta, Utah.

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

#### DISCUSSION AND POSSIBLE APPROVAL OF THE STATE PREDATOR MANAGEMENT CONTRACT

Commissioner Smith read a letter he received from the Department of Agriculture. He said that the Department of Agriculture and Food no longer participate in the coyote voucher program. The Department of Natural Resources (DNR) is doing its own program to pay for predators. The Department of Agriculture is asking the county to participate in its predator damage control program which will be directed for aerial control measures. They are asking the counties to contribute \$9,000.00 annually. They will reimburse the counties 50% of the contributed amount when the projects are finished.

Commissioner Smith explained that this program is different from the DWR program which will pay \$50.00 per coyote if certain requirements are met.

Commissioner Whatcott made a motion to approve the State Predator Management Contract with the Department of Agriculture.

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

#### DISCUSSION AND POSSIBLE CONSIDERATION OF A SETTLEMENT ON A SPECIFIC AMBULANCE BILL

Lindsay Mitchell presented a letter from a lawyer representing Arturo Esparza, requesting a 30% reduction on his \$1,303.84 ambulance bill bringing the balance to \$912.69.

After discussion, Commissioner Whatcott questioned whether Mr. Esparza could pay the entire amount of the ambulance bill if he could afford an attorney . He asked that in the future a form with more information be submitted with each request.

Commissioner Smith made a motion to accept the settlement agreement in the amount of \$912.69 on Arturo Esparza's ambulance bill.

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

#### DISCUSSION AND POSSIBLE APPROVAL OF AMBULANCE ABATEMENT(S) - LINDSAY MITCHELL

Lindsay Mitchell presented an ambulance abatement application from Michelle M. Sanchez in the amount of \$6,055.51. Ms. Sanchez is currently unemployed and has no money in her bank account and has no assets. Her total debt including the ambulance bill is \$13,907.03 which is mostly medical. A letter was included with the application which indicated that she would try to make good on her debt as soon as she gets a job.

Commissioner Whatcott said that according to the abatement guidelines, Ms. Sanchez would qualify for a 100% abatement.

Commissioner Whatcott made a motion to abate 100% of Ms. Sanchez's ambulance bill based on income.

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

#### DISCUSSION AND POSSIBLE APPROVAL REGARDING A VEHICLE FOR THE EXTENSION OFFICE

Trent Wilde, USU Extension, discussed with the commission the possibility of USU Extension purchasing a new vehicle. He said that there have been a couple instances where they sent people out of the county and those people have had car troubles. He said that they would like to have at least one vehicle that is reliable enough to be used for out of town trips.

Mr. Wilde said that currently there is some funding available in his budget. He said that he understands that this type of purchase would require a signature from the commission as long as the money was in the budget. He explained how he has enough money in his budget for a vehicle purchase.

Mr. Wilde has looked at a sedan, which has low miles on it and will get decent mileage, and a van, which would be more efficient in transporting several people when they have to transport the 4-H kids.

Mr. Wilde is requesting the approval of the Commission to use the funds in his budget to purchase a vehicle.

Commissioner Whatcott made a motion to support Mr. Wilde in purchasing a vehicle for USU Extension.

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

The commissioners said that Mr. Wilde is welcome to use any county vehicles that may be available.

#### BID OPENING FOR THE RE-ROOFING AND REPLACEMENT OF DECKING AND STRUCTURAL REPAIR OF THE EAST MILLARD SWIMMING POOL IN FILLMORE

Commissioner Whatcott said that the County was going to have the roof and the decking on the East Millard Swimming Pool in Fillmore replaced. After really looking at the attic the

commissioners felt like it would need a better engineering study on this project before moving forward with requesting bids.

He said that the humidity from the pool is causing some roof issues in the mens dressing room. They are working with Sunrise Engineering to do a better assessment. This project may not take place until next year.

Commissioner Whatcott made a motion to table the bid opening for the re-roofing and replacement of decking and structural repair of the East Millard Swimming Pool in Fillmore.

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

## PUBLIC INPUT

There was none.

## OTHER BUSINESS

Commissioner Withers said that the County applied for a Natural Resources Conservation Services (NRCS) grant and the commissioners feel that Terry Scottorn would be a good person to take this project on. Mr. Scottorn said that he found that there was an agreement. He said that he understands that it is a NRCS grant for \$75,000.00 for re-seeding private grounds around Oak City where the fire burned recently. In addition to the \$75,000.00 there is a 10% contingency to pay technical assistance which is what he would be considered.

Commissioner Smith explained what Mr. Scottorn would be doing and the process of the project.

Commissioner Withers will call Ryan Jolley with Jones and DeMille Engineering to get more information on this and will get back to Mr. Scottorn.

Mr. Scottorn discussed his understanding of the project and a few options of re-seeding the areas.

Commissioner Smith presented information he received from Kevin Morris to be discussed at a later time.

Linda Gillmor, Millard Economic Development Association Director, presented a letter in support of the Magnum Gas Storage project which will be sent to Lance Lee, Los Angeles Department of Water and Power. They asked the county to support the project. The commissioners ran this letter by James Hewlitt from IPP and he was okay with sending the letter as long as it was courtesy copied to him.

All three of the commissioners signed the letter and the letter was sent.

Ms. Gillmor discussed a grant that she is applying for. She said that this year the grant will be for a total of \$21,275.00 for the Business Expansion and Retention (BEAR) Program. She said that she does quarterly visits to those associated with the BEAR Program and she finds businesses that are ready to grow. This is for three to four individual businesses that need more help than she

can offer them.

She explained that these funds would need to come out of the county's budget first and then the county will be reimbursed.

Ms. Gillmor said that she has talked to the Utah Manufacturer regarding this program. She also explained what she will be doing with the grant money.

Commissioner Whatcott made a motion to approve the contract with the State of Utah Governor's Office of Economic Development in the amount of \$21,275.00.

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

Commissioner Withers said that a while back the Commission discussed a piece of property located in Deseret, Utah. A gentleman donated the property to the Snow College Foundation. The tax amount due was sent to the Snow College Foundation in 2011. The Foundation did not respond. The Treasurer's office then sent a delinquent notice to them and they sent back information stating that they are a non profit organization and should qualify for a tax exemption.

Ms. Gillmor said that the Deseret Heritage Foundation would like to take the property off the Snow College Foundation hands and do a project on the property including renovating the building located on the property. Ms. Gillmor spoke with the person who was in charge of the Fillmore Beautification project and she is willing to help the Deseret Heritage Foundation with its project.

Ms. Gillmor will contact Snow College Foundation to see what they would be willing to do.

Commissioner Withers asked if the quit claim deed is all ready to go. Attorney Waddingham said that it is ready to go after it is signed and notarized.

Commissioner Whatcott said that he has been serving on the Paiute ATV Trail Committee for a while and they have come up with a magazine to distribute which will advertise businesses on the trail for a fee to the businesses. He said after the businesses received a copy of the magazine, some have requested to have a larger add placed in the magazine. He explained what will be in the magazine besides business advertisements.

Commissioner Whatcott said that he received a notice from the State Institutional Trust Land Administration (SITLA) which indicated that there is a project on SITLA property that will consist of re-seeding the areas of the Clay Springs, Baboon and White Rocks fires.

Commissioner Whatcott talked to Carl Camp who is with the Statehouse Museum in Fillmore, about his Summer Youth Conference. He said that most of the youth conferences are 3 days and 2 nights. They offer a variety of programs which include swimming in the Fillmore Swimming Pool. He said that the attending groups are growing in size, are spending money in the community, and are using several of the local services. Mr. Camp thanked the county for its help in the initial advertising of the program and providing use of the swimming pool and its facilities.

Commissioner Whatcott said that he has been getting information on the cooperative agencies regarding Southern Nevada Water. He was informed that there is a conference call with

the BLM scheduled for October 9, 2012.

Commissioner Whatcott signed up for one day of the risk assessment course on October 2, 2012.

Commissioner Whatcott said that he has been trying to find the bids for the Fillmore Racetrack work that was recently done and has had no luck. He said that it would be a good practice from now on to have the bids and contracts handed directly to the Commission Secretary and she can distribute copies if requested. The Clerk's Office is required to have all original contracts, agreements, bids, etc. on file.

Auditor Grace is working on getting a copier for the Commission Chambers to make this process a lot easier.

Commissioner Whatcott said that the NACo Newspaper had a real nice article about Commissioner Smith getting the rural courthouse award. He said that it was quite notable that Commissioner Smith was recognized in the national paper.

Commissioner Whatcott said that the monitor for the Commission Chambers will be installed on September 17, 2012. There will be a training on how to use the system later that afternoon.

Dan Brinkerhoff, Brinkerhoff Stables, discussed his contract with Millard County for the Fillmore Fairgrounds. He asked if the contract contained stipulations that the contract is just between Mr. Brinkerhoff and the County or if he can pass the contract to one of his successors. Attorney Waddingham reviewed the contract and said that there is such a clause, but the Commission has to approve any assignment of the contract.

Mr. Brinkerhoff said that he would like to have the contract continue to the full term of the contract date by his successors.

This item will be brought back to the next commission for discussion and possible approval.

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

Commissioner Whatcott attended a Six County meeting which was held in Nephi, Utah. This meeting was the yearly Congressional meeting with all congressmen or their representatives. The focus was on the wilderness study areas and grazing rights. They talked with the congressional staff on issues in the respective counties.

Commissioner Whatcott attended a monthly Paiute ATV Trail meeting in Marysvale, Utah. They discussed how to increase tourism in the main trailhead communities (Fillmore, Richfield, and Marysvale). Signs are being made to promote local businesses and show local ATV routes.

Commissioner Whatcott attended a Six County Board of Public Health meeting in Richfield, Utah.

Commissioner Whatcott has been working with Mayor Gene Larsen on moving ahead with



the development of new soccer fields in Fillmore.

Commissioner Smith said that the commissioners met with IPA representatives who gave an update of where they are in going forward. They are in the process of getting all the cities that belong to the Utah Municipalities Association who have ownership in IPA to sign an agreement which would allow IPA to switch and generate electricity with some other form of energy besides coal. If they get the approval within a year they will move forward with building two new units at the IPP site by the year 2020.

They also talked about after the year 2027 LA Power and Water could not take any of the coal generation power from the two units that are there now. A few years prior to that happening, if no one else was interested in purchasing the units they would start the process of dismantling the units and LA Power and Water would be responsible for the cost of the dismantling.

Most of the municipalities approved signing the new agreement which shifts the cost to LA Power and Water.

The plan is to build two new gas turbines with approximately 1200 megawatts.

Commissioner Smith and Commissioner Withers had a meeting with the NRCS regarding re-seeding private property.

Attorney Waddingham said that Auditor Grace is getting an amendment to the contract with NRCS ready for the commission to sign. NRCS's fiscal year ends September 30, 2012 and they need the contracts signed right away in order to process the payment so that the County does not lose the funding. The contract amendment will need to be ratified at the next commission meeting.

Commissioner Smith made a motion to sign the amendment to the contract with NRCS pending Attorney Waddingham's review. Also, to have the chair sign the contract when it is ready to be signed.

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

#### POSSIBLE REVIEW OF COUNTY POLICIES AND CONTRACTS

There was none.

#### 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 12:25 p.m..

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

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