

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 20th DAY OF MAY 2008
AT THE COURTHOUSE, FILLMORE, UTAH

PRESENT: Kathy Y. Walker Chairperson
Daron P. Smith Commissioner

Norma Brunson County Clerk
Janice Robins Deputy County Clerk

EXCUSED: Commissioner John C. Cooper
County Attorney Richard Waddingham

ALSO PRESENT: Shelly Teusher First Wind
Jim Talbot Millard County Assessor
Brandy Grace Millard County Auditor
Ronald Hare John Hancock Plan, Trustee
Sheryl Dekker Millard County Planner
Robert Dekker Millard County Sheriff
Lindsay Mitchell Millard County Sheriff Office
Bart Whatcott, Sarena Christensen, Robin Smith, Linda Smith, John Heath and
Marilou Heath Citizens

PURSUANT TO AN AGENDA WHICH HERETOFORE HAD BEEN PROVIDED TO each member of the governing body, the local news media and posted in three public places or on the Millard County website, 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. Deputy Clerk Janice Robins read a quote. Commissioner Smith said the invocation. Everyone stood and said the Pledge of Allegiance to the Flag.

FOLLOW UP ACTION ITEMS FROM MINUTES OF MAY 6, 2008

Commissioner Smith reported that Edwards Surveying received the survey bid as he was the lowest bidder.

APPROVAL OF MAY 6, 2008 COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held May 6, 2008 were presented for consideration and approval. Following review and consideration of minor corrections Commissioner Smith made a motion to approve the minutes of May 6, 2008, as corrected.

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

Commissioner Smith made a motion to approve the minutes of March 27, 2008.

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

AUDITORS REPORT

Auditor Grace gave the Commissioners the check edit report of May 19, 2008 to review and sign.

Auditor Brandy Grace said Administrator Jeff Christensen, Millard County Care & Rehabilitation had received a bill for \$298.88 for the use of the jail crew. He said that Commissioner Walker had approved the jail crew to make improvements to the entrance to the care center. The care center is a county owned facility and should not be billed for the work. Commissioner Walker said she will do a follow up on the bill with Sheriff Dekker.

Auditor Grace presented a hardship abatement request from Barney Davies. He owns a mobile home that sits on a 40 acre parcel. Mr. Davies had provided his income information, a statement that he is under 65 with a disability and that he does not file income tax returns.

After reviewing all the information, Commissioner Smith made a motion to grant Barney Davies a 45 percent tax abatement on his property with serial number DO 4026.

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

Auditor Grace reported the URS retirement contribution rate will be the same as last year. She said that any changes to the report the County wants to make should be made by the June 15, 2008 deadline.

Auditor Grace said that Wayne Jackson reported that American Legion Posts #61 and #135 have received three thousand four hundred dollars (\$3,400) in donations. The cost of the updates of names to the veterans memorial wall will be one thousand six hundred twenty dollars (\$1,620.00).

The tax sale will be held on May 22, 2008 at 10:00 a.m. at the courthouse in Fillmore. The maps of the property on the tax sale will be reviewed by the Commissioners prior to the sale.

REQUEST FOR AMBULANCE ABATEMENT-LINDSAY MITCHELL-SHERIFF OFFICE

Lindsay Mitchell from the Sheriff's Office presented a request for an ambulance abatement for Shane Tyler Ellsworth and Shana Ellsworth. After reviewing their financial information, the number of dependents, and the circumstances Commissioner Smith made a motion to deny the ambulance request for the Ellsworths based on the fact that their income is higher than the guidelines used to qualify for an abatement. A payment schedule was approved to be set up.

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

CONVENE AS THE BOARD OF EQUALIZATION-MILLARD COUNTY ASSESSOR JIM TALBOT

Commissioner Smith made a motion to convene as the Board of Equalization, ("BOE").

Commissioner Walker stepped from the chair and SECONDED the motion. The voting was unanimous and the motion carried. The BOE began at 10:25 a.m..

Millard County Assessor Jim Talbot said he was there in behalf of Paramount Cubing, whose owners are Robin and Linda Smith. He reported that auditors from the State Tax Commission had viewed a squeezer, that had been moved indoors, as part of processing and classified it personal property instead of agricultural equipment. The Assessor and the Smiths feel the squeezer should be classified as agricultural equipment. A state board hearing was held in regards to the 2005, 2006 and 2007 taxes. Commissioner Johnson and Judge Jensen suggested that Assessor Talbot bring the matter before the County Commissioners on the 2008 taxes. Assessor Talbot said he is putting in an appeal to the State Tax Commission to reclassify the equipment as agricultural and refund the owners Robin and Linda Smith their money for 2008.

Robin Smith said that Paramount Cubing was the only audited business in the state to have this type of equipment taxed as personal property. He would prefer a refund, but said if he has to be taxed then everyone with similar equipment should be taxed the same way.

Based on the findings of fact and the recommendation of the County Assessor that the equipment should be taxed as part of the agricultural production, Commissioner Smith made a motion to give Robin and Linda Smith a tax refund for the excess amount paid on the 2008 taxes. The Commissioners support the Assessor's effort to convince the State Tax Commission that certain agricultural equipment is agricultural and shouldn't be taxed otherwise.

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

Commissioner Smith made a motion to close the BOE.

Commissioner Walker stepped from the chair and SECONDED the motion. The voting was unanimous and the motion carried. The BOE ended at 10:45 a.m..

Later in the meeting Assessor Talbot requested to reconvene the BOE. Commissioner Smith made a motion to reconvene the BOE.

Commissioner Walker stepped from the chair and SECONDED the motion. The voting was

unanimous and the motion carried. The BOE convened at 11:05 a.m..

Assessor Talbot said he had contacted the Baileys who own Sugarville Cubing and its squeezer had been taxed as personal property also. Assessor Talbot suggested that the Baileys should also receive a tax refund for 2008.

Commissioner Smith made a motion to be consistent in refunding tax money for 2008 which will include a reduction of taxes on Baileys (Sugarville Cubing) squeezer.

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

Commissioner Smith made a motion to close the BOE.

Commissioner Walker stepped from the chair and SECONDED the motion. The voting was unanimous and the motion carried. The BOE ended at 11:08 a.m..

RON HARE, GEORGE ANN PROBERT AND JIM TALBOT, TRUSTEES-DISCUSSION ON JOHN HANCOCK PLAN CHANGES

Ron Hare and Jim Talbot made a proposal to replace Dean Johnson with Michael Sharp, as the third party administrator/broker of the John Hancock Plan. Mr. Sharp has agreed to come to Fillmore and Delta once a month to meet with employees beginning on June 12, 2008. He will be offering more service and training to the County employees. He recommended that employees over fifty years old meet with him once a month and employees younger than fifty meet with him every quarter.

Commissioner Smith made a motion to accept Michael Sharp as the new John Hancock Plan administrator, based on the recommendation of the Trustees. The Trustees received permission to execute all the necessary documents to make the change.

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

Auditor Grace clarified that new employees are only given one 401K plan choice at the time of their employment. Individual employees cannot switch from one plan to another plan.

REVIEW AND POSSIBLE APPROVAL OF A NON PLAT SUBDIVISION #Z-2008-011 APPLICATION FOR KEN CHRISTENSEN AND SARENA M. CHRISTENSEN FOR PROPERTY LOCATED AT NW SECTION 17, T21S, R5W, NW1/4NW1/4 & S1/2 NW1/4 SECTION 17, T21S, R5W, SLM, 120 ACRES LOCATED AT APPROXIMATELY 855 N 4250 W, FLOWELL.

County Planner Sheryl Dekker showed a map to the Commissioners where the Christensens proposed to build a new home on a one acre parcel. The application had received a favorable recommendation by the Millard County Planning Commission on May 7, 2008. Sarena Christensen was present.

Commissioner Smith made a motion to approve the non plat subdivision application #Z-2008-011 for Ken and Sarena M. Christensen based upon findings of fact and the favorable recommendation of the Millard County Planning Commission.

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

REVIEW AND POSSIBLE APPROVAL OF A NON PLAT SUBDIVISION #Z-2008-003 APPLICATION FOR VINCENT AND KRISTINE CROPPER FOR PROPERTY LOCATED AT E1/2 OF SW1/4, SECTION 11, T21S, R4W, SLM, (80 ACRES. LOCATION IS 1/4 MILE EAST OF LEAMINGTON. THREE LOTS).

County Planner Sheryl Dekker explained that the application for Vincent and Kristine Cropper has already been approved. The application received a favorable recommendation from the Millard County Planning Commission on February 6, 2008.

Commissioner Smith made motion to sign the affidavit and recordation certificate for Vincent and Kristine Cropper.

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

POSSIBLE APPROVAL OF A RESOLUTION TO AMEND THE MILLARD COUNTY'S FACILITIES USE AND RENTAL POLICY

Commissioner Walker explained that the resolution would allow rental of the stalls at the fairgrounds in Delta and Fillmore for a period of ten (10) days in any calendar month. The rent would be \$16.00 for the first day, and \$5.00 per day for each day after.

Commissioner Smith made a motion to approve Resolution No. 08-05-20, A Resolution by the Millard County Commission Amending the Millard County Facilities Use and Rental Policy Fees for Stalls.

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

MILLARD COUNTY ASSESSOR JIM TALBOT-DISCUSSION ON SALARY ISSUE

This item was tabled.

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

Commissioner Smith reported that on Friday, May 16, 2008 he had meet with representatives from UPC Wind to talk about its proposal and Conditional Use Permit. The valuation of UPC was discussed as a centrally assessed property.

Commissioner Smith attended a meeting on May 19, 2008 with the West Millard Mosquito Abatement District. The Mosquito Abatement District's appeal with the State Tax Commission was denied, due to an error in the report, and the district will not be able to collect all the money that it has budgeted for the year. Its budget usually runs about \$430,000 and without the additional funds

it will have a \$200,000 deficit. The district will have to go through the truth and taxation process again, but in the meantime a way needs to be found to make it whole. The Mosquito Abatement falls under the category of health, safety and welfare of the County. There are several options to consider:

- The Mosquito Abatement District could enter into an interlocal agreement with Millard County and the County borrow the money to them.
- The Mosquito Abatement District could go to a private lender and borrow the money. Representatives from the Mosquito Abatement District will be invited to attend the next Commission meeting and try to work out a solution.

Commissioner Smith reported a training session for the special districts was held on Thursday, May 15 from 1-4 p.m. The State Tax Commission provided the much appreciated training. Treasurer John Hansen was there and helped answer questions and concerns of the special district volunteers.

Commissioner Walker commented that the Millard County Facilities Use and Rental policy is a living document that is constantly being amended.

Commissioner Walker reported that Cindy Manning and Max Wood have advertised for life guards at the West Millard Swimming Pool and have not been able to fill the positions. The life guards must be trained and 16 years of age or older. Until the lifeguards can be hired, the pool will be closed each day this summer from 1:30 p.m. to 6:00 p.m.. The new pool schedule will be posted and also advertised in the local newspaper.

Commissioner Walker and Commissioner Cooper talked to Pete Madsen a volunteer that works with the Horse Cutter's Association. The Association would like to see twenty more horse stalls built at the fairgrounds in Delta. The Horse Cutter's Association brought in over \$20,000 in fees to Millard County last year. It was proposed to have electrical hookups placed along the building to be used by camper trailers. The estimated cost to install the hookups is one thousand dollars (\$1,000). A fifteen (15) dollar fee per night is being considered. No decision has been made on either request.

OTHER BUSINESS

Commissioner Smith made a motion to approve the amendment on the Non Plat Subdivision Recordation Certificate and Affidavit for Richard and Kimberly Herbst to correct the legal description.

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

Deputy Clerk Janice Robins asked the Commissioners if they had a copy of the Project Agreement for Road Maintenance between Millard County and USDA Forest Service. (No one had seen it.) She reported that the Forest Service will be mailing another copy and would like the Commissioners to give it consideration at the next meeting.

Sheriff Robert Dekker reported an accident involving a Sheriff's Office pickup. The pickup was totaled and will need to be replaced. After insurance reimbursements, there will still be a need to adjust the West Desert budget to cover the balance.

Sheriff Dekker gave payroll increase requests to the Commissioners for three public safety personnel.

Commissioner Smith made a motion to approve the salary increases for employees from the Sheriff's Office according to the current Sheriff's salary schedule.

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

Commissioner Smith reported that the Commissioners had met with the Fillmore City and Delta City Mayors to discuss the law enforcement contracts. The following proposals were offered to the cities:

- A five percent increase will be begin July 2008
- The contract will not be retroactive back to January 2008
- The contract will continue with a 1-2 year extension with the 5 percent increase
- The negotiation dates will be moved to February 1

The city Mayors will take the proposals to the town council for consideration and possible approval.

PUBLIC INPUT

Bart Whatcott reported that the Veteran Memorial plaques and names will be completed by Memorial Day. American Legion Post #61 and #135 found a new company to do the work updating the names on the plaques at a cost of \$1,620.00 so they will not need the additional help from the County at this time.

Mr. Whatcott reported that the ATV Jamboree will be held on June 23-28. They have 193 people registered at this time. He will turn in a final accounting of the Jamborees' expenditures in July.

Mr. Whatcott said that American Legion Posts #61 and #135 and Fillmore City are planning to give a program, a flyover, a BBQ and a dance to honor the returning soldiers of the 145th Battalion. The celebration will be held on August 16. Governor Huntsman and General Tarbot will be invited.

The Days of the Old West Rodeo will be held on June 12 thru June 14 and everyone was encouraged to attend it.

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

There was none.

WHERE UPON THE MEETING ADJOURNED

Commissioner Smith made a motion to adjourn the meeting.

Commissioner Walker stepped from the chair and SECONDED the motion. The voting was unanimous and the meeting adjourned at 11:51 a.m..

Attest: _____

Approved: _____