

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 15th Day of AUGUST 2005
AT THE COURTHOUSE, FILLMORE, UTAH

PRESENT: John C. Cooper Chairman
Daron P. Smith. Commissioner
Kathy Y. Walker. Commissioner

LeRay Jackson County Attorney
Norma Brunson County Clerk
Janice Robins. Deputy County Clerk

ALSO PRESENT: Dean Draper, Tony Dearden, Rob Droubay, Jim Talbot, John Hansen, Connie Hansen, Brent Bennett, Brandy Grace, Andrea Bullock, Peggy Overson, Jim Robson, Dennise Murdock, Max Terrell, Claudia Terrell, Connie Davies, John Davies, Rebecca Cahoon, Alonzo Cahoon, Tillman Johnson, Virginia Johnson and Shellie Dutton

PURSUANT TO AN AGENDA WHICH HERETOFORE HAD BEEN PROVIDED TO each member of the governing body, the local news and located on the front and back doors of the County Courthouse as required by law the following proceedings were had.

COORDINATION SESSION

The Commissioners scheduled events for the months of August & September 2005.

PUBLIC WAS WELCOMED

The meeting began at 10:00 a.m. after a brief welcome by Commissioner Cooper to the public and Commission members.

OPENING STATEMENTS

Commissioner Cooper asked if anyone had an opening statement to give? Commission Secretary Janice Robins read a quote and then said the invocation. Everyone stood and said the Pledge of Allegiance to the Flag.

FOLLOW UP ACTION ITEMS FROM MINUTES OF AUGUST 8, 2005

There were none.

APPROVAL OF THE AMENDED MINUTES OF AUGUST 8, 2005

Commissioner Walker made a motion to approve the amended minutes of August 8, 2005

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

AUDITORS REPORT

Auditor Brandy Grace gave the Commissioners various invoices to review and approve for payment through the Auditor's Office.

Commissioner Cooper brought to the Commission's attention that a billing from Central Utah Public Health had been received.

Additional Nurses Program	\$6,15.88
Delta Office Rental	\$1,800.00
Fillmore Secretary Salary	\$4,287.86 (April, May, June)
Assessment for Public Health	\$13, 572.50 (Quarterly)

Auditor Grace gave the Commissioners the Check Edit Report of August 12, 2005 to review and sign. She said the Check Edit and documentation had not been handed back to the Auditor's Office last week. In an effort to make the report more noticeable it will be copied on colored paper in the future.

Auditor Grace gave Attorney LeRay Jackson some documents to review that need to be filled out to enable the county to acquire purchasing cards. The contract for purchasing cards is through the state and Millard County will be a subcontractor.

Commissioner Cooper reported that the Utah National Guard was not able to accept the old senior van that Millard County was willing to donate to them. The Commissioners decided to put the van on the surplus property list.

Commissioner Smith reported that he had signed a payroll change for an employee that does work for both the county weed department and the county road department. The payroll change was turned into the Auditor's Office.

TREASURER JOHN HANSEN-DISCUSSION ON PROPERTY TAX ADJUSTMENTS YEAR TO DATE

Millard County Treasurer John Hansen said in the past, tax adjustments had been brought up to the Commissioners periodically. At the Commissioners request he has held them until now.

He gave the list of the property tax adjustments year to date to the Commissioners to review. The list includes different types of adjustments, including the cable wireless bankruptcy that will short the county several hundred dollars. The Commissioners agreed to meet in the Treasurer's Office and go over the adjustments with him.

REQUEST FOR A PROPERTY TAX ABATEMENT FOR MARY MOORE

Attorney LeRay Jackson said he found that the litigation involving the Mary Moore's home

does not affect the title of the home. The Auditor said that in years past she had qualified for a circuit breaker but had not qualified this year because a withdrawal from an IRA account to be used for attorney fees was shown as income. A note from the bank explaining it had been reported wrong was attached to the request form.

Commissioner Walker made a motion to approve a property tax abatement for Mary Moore in the amount of 50 percent of the property taxes. Commissioner Smith SECONDED. The voting was unanimous. The motion carried.

DECISION ON A REQUEST FROM BARBARA SPENCER FOR AN ABATEMENT OF MILLARD COUNTY LANDFILL FEES

Barbara Spencer has been paying a landfill fee for a non-existent business for the last seven years. The extra fee had not been noticed and they had paid it each month. However, Millard County can't refund money from an enterprise fund outside of a business year. Utah Power has been billing and collecting the landfill fees and it is the responsibility of the individual to check each statement before payment is made. Sheryl Dekker had said Millard County had never given a landfill refund before.

Commissioner Smith made a motion to deny the request. It is the resident's responsibility to make sure they are not being over-billed. Commissioner Walker SECONDED. The voting was unanimous. The motion carried.

POSSIBLE APPROVAL OF A BUSINESS LICENSE FOR SPARKLING CLEAN CARPET CARE - DONALD & GAYL PETERSEN

Commissioner Walker made a motion to approve the signing of a business license for Sparkling Clean Carpet Care - Owner Donald & Gayl Peterson. Commissioner Smith SECONDED. The voting was unanimous. The motion carried.

RATIFY THE DECISION TO APPOINT GAYLE CLUFF TO THE MILLARD COUNTY TOURISM BOARD TO FILL THE UNEXPIRED TERM OF KILEY CHASE

This item was tabled.

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

Commissioner Walker talked to Carma Swenson from Hinckley who asked permission to use the swimming pool for handicapped individuals to train for the Special Olympics. Max Wood and Cindy Manning are looking into the possibility.

Commissioner Walker attended the Millard County Fair luncheon with the fair committee, the fair judges, and maintenance crew. It was hosted by the County Fair Chairman Connie Christensen and her staff.

All the Commissioners attended Senator Bennett's Utah Rural Summit in Cedar City, Utah. In one of the sessions, Randy Johnson gave an update on land use issues including the Millard County Land Use Plan and John Harja gave an update on the water issue on the west desert. Commissioner Walker attended the session on Utah Tourism and Utah Travel Industry Coalition.

Commissioner Smith said that in one meeting it was suggested that each county adopt by ordinance a transportation plan. Millard County will be working on getting the ordinance done in the next two weeks.

Commissioner Walker attended the Millard County Fair on Friday and Saturday. She reported that the number of fair exhibits and the attendance stayed about the same as last year. Past fair chairman Cherie Morris and other past volunteers who retired at the same time were given awards.

Commissioner Walker participated in a rock crawling event and she watched the tractor pull. She thought the fair was a success.

Commissioner Smith and Commissioner Cooper attended the Millard County Fair and enjoyed the exhibits, the talent show, and other events.

Commissioner Smith and Commissioner Cooper attended the press meeting at the Federal Building in Salt Lake City which was the finale of the Water Express Run from the Snake Valley citizens. The participants carried citizens' letters and delivered them to the Federal and State Leaders. A good crowd of people turned out for the event and it was a good attention getter. Most of the runners were from the West Desert High School. The news media was in attendance and both Commissioners spoke. Tee shirts and a canteen filled with water were given to all the Commissioners. Commissioner Walker was excused to attend the Millard County Fair activities as she is the lead Commissioner over the Millard County Fair.

Commissioner Smith reported he has been contacted by a lot of citizens who are concerned about the raise in their property tax evaluations.

Gary Church and Russ Cowley are working on the plans for the ATV ride on Tuesday, August 16, 2005. Commissioner Smith said some safety issues with the road are being corrected. The BLM had given permission under a contract for Millard County to repair some of the trails that had been damaged.

Dean Baker contacted the Commissioners about a support letter the county had written in regards to water issue. The County had already written and sent a letter of support.

Commissioner Cooper attended the Millard County Fair and enjoyed the concert and exhibits. He reported the horse show was good and Jennifer Talbot had done a great job. The numbers were down because of other horse shows taking place in the state at the same time.

Commissioner Cooper talked to Dean Draper, reporter for the Millard County Chronicle Progress and Ed Firmage, University of Utah Law School Professor, about the implications and importance of not setting a precedent of water being sent out of the west desert area.

It was reported that Mike Styler had suggested that another water express run be taken to Carson City, Nevada or Las Vegas, Nevada.

Millard County Clerk Norma Brunson reported that on Friday, August 12, 2005 Peter Lundsford from the State Elections Office demonstrated one of the new DieBold Voting machines that will soon be used for the upcoming elections. Clerk Brunson said they were quite user friendly as she was happy with the presentation.

OTHER BUSINESS

Millard County Recorder Connie Hansen introduced Brent Bennett who is a new employee in the Recorder's Office. He will be inputting GIS information.

Commissioner Smith reported he has the copies of the State Predator Control Contract.

Commissioner Cooper received a letter from Kai Martens U of U, about the telescope array project in the west desert. The University of Utah has applied for a right-of-way from the Bureau of Land Management authorizing the project to be build. Signatures from the BLM, SILTA, UDWR, and twenty private land owners are required to allow them to go ahead with the project.

PUBLIC INPUT

Tony Dearden expressed his concern and the concerns of many other business owners about their 2005 tax re-evaluations. He said it seems like every time you turnaround there are additional expenses. There is some real questions about how they were assessed. It is a shame that commercial businesses hadn't been evaluated for fifteen years. Assessor Talbot had told him that he was trying to come up with a more fair and equitable value to assess property based on each business's ability to pay as was done with the power plant. There is a need to take some of the burden and even it out. When Mr. Dearden was asked by Commissioner Walker if he would sell his property for the evaluated price, he said he would sell.

Rob Droubay said that both he and Tony Dearden would like to try to find a way to be a help in finding a solution to the problem instead of just complaining the problem. He knows this is a give and take issue. There is a need to attract businesses in and with good property values that helps but when taxation is overly appraised that hinders. Mr. Droubay said that he has two other parcels on Main Street that are now closer to the value than they were.

When asked if he would sell his property for what it has been evaluated he said he would sell in heart beat.

The Commissioners, County Attorney, County Assessor and Mr. Dearden and Mr. Droubay discussed the re-evaluation issue. Commissioner Smith asked if the raise was done on a gradual basis each year, would that be helpful to businessmen. And asked if there wasn't a modifier or an adjustor used when evaluating older businesses?

The Commissioners have been concerned about the centrally assessed tax shift for a long

time as it affects the small business owners. The centrally assessed businesses have gone down continually each year.

The Assessor will conduct meetings in Fillmore on Tuesday and in Delta on Wednesday, and Thursday by appointment with the public as an early Board of Equalization to try and listen to some of the complaints and to see if there are discrepancies between one business and another.

Dean Draper said this reminds him of Proposition #13 in California where property has been raised up based on another person's desire and that forces the owner to sell because they can't do anything else.

Alonzo Cahoon, owner of A & R Tires in Delta. He said that a group of businesses had met this morning to discuss problems with the new commercial business tax evaluations and possible solutions. They have compiled a list of concerned business owners and a list of businesses sales in the area. They would like to find a solution to the problem.

Mr. Cahoon said his business assessment went from \$66,000 to \$ 272,000. He purchased the property in 2003 for \$125,000. He feels that the new assessment is not correct. Some neighboring businesses were raised and some businesses were not. He feels the new assessments are not consistent with that area. Most of the businesses are older businesses and the buildings have not been updated.

The next issue discussed was wanting to know why Fillmore business evaluations are based at 90 cents and Delta west side were based at \$2.00 and Delta east side based at \$1.75. These values are a concern to the businesses. They felt they were hit hard with a surprise hit. They were told evaluations had not been done for 15 years. It would have been better to be absorbed over a period of time.

Andrea Bullock from Bullock Realty said her property is very small. She was surprised to see her taxes raised to \$91,000, because just a few years ago they had been raised to \$65,000 from almost nothing. It has not been fifteen years since her property was re-evaluated. If she had a buyer for the property, she would sell in a heart beat. She said the economy in Delta is going down. Eighty percent of her business last year was bank foreclosures and she has three or four in the office now. They are selling really low. People from out of the area are buying them because they are a bargain. It is not because the economy is going up. People are having a hard time getting loans. Utah has one of the highest bank foreclosures in the nation. There are several businesses going out of business, however the listing in the newspaper was not accurate.

She asked who did the property evaluations? Did they come from other areas with that area's mentality because they didn't understand Millard County?

Jim Talbot said that appraisers came from the Logan area to help in the assessments. All the information was gathered in Millard County.

Connie Tolbert Davies owner of T&T Twin Theaters said she tries to be a good employer and helps the economy out in that way. She introduced her husband John Davies.

John Davies said the evaluations are not very realistic. With rising costs of utilities, and other expenses it is harder and harder to make a profit. If some one would pay the amount it is appraised for, it would be for sale.

Commissioner Smith said that the appraisals are done by looking at three methods which are income, cost and comparable sales. The data is gathered and a formula is used by the Assessor as he looks at all three approaches.

Peggy Overson asked what the businesses are expected to bring in with them for their appointment with the Assessor's Office.

Assessor Jim Talbot said to bring:

- A recent appraisal 3-5 years
- Proof of income
- Expenses
- Comparable Sales

Mrs. Overson asked if the State people look at businesses' incomes when they did their appraising? Were they trainees?

Jim Talbot explained the process used by the appraisers.

Commissioner Cooper said that a couple of years ago Assessor Talbot had asked the Commissioners to contract with the State to come down and do this appraisal. The Commissioners were against the idea and are still not in support of them doing any appraisals in this county. This decision was made by the Assessor and we disagree with him employing them. Assessor Talbot still thinks it was a good idea.

Rebecca Cahoon said there was a lot of talk over the weekend and they thought it would be appropriate to get together as one big voice. There is a lot of concerns and a lot of questions about how the appraisals came about and the formula that was used. They do not think it was accurate and fair. They have found a lot of inconsistencies from one appraisal to another. They would like to have an evaluation of what their property is really worth.

In their tire business they have some competitors that are un-licensed dealers not holding a state or county business license. They don't get taxed and we do.

Dennise Murdock owner of Dennise's Daisy's said that her business is next to her home. She expressed that the taxes need to be fair. She said she paid more for her home than was being asked for because by being from Salt Lake City it seemed like a bargain. She thinks the appraising should be done by someone who knows the area a not influenced by opinions from their area.

Alonzo Cahoon said that in he had talked to representatives from Zions Bank and Millard County Credit Union and they are having trouble writing loans using the new property values because it would put their institutions at risk.

Commissioner Walker asked Mr. Cahoon if he would sell his property for what it assessed? He

answered that yes, he would sell the ground for that price. Not the business.

Jim Robson owner of Curley's Lounge said he paid \$112,000 for his property in 1992. He has purchase two homes in bankruptcy for less than that figure. The 2005 taxes on the business has doubled. His taxes have steadily gone up since 1992.

Claudia Terrell spoke in behalf of her nephew Walter Terrell of Terrell Meats. She asked if everything along all the Main Street was considered commercial? (It depends on the zoning.) The 2005 taxes on Terrell Meats have more than doubled from \$900 to \$1900. Mr. Terrell was wondering if payments could be spread out over a five year period? It is a big expense all at once.

Commissioner Cooper said that there will be meetings set up on Tuesday, Wednesday, and Thursday for people to come in and discuss their concerns with the Assessor's Office. Bring in your information with you at that time. An appointment can be set up by calling the Assessor's Office. The regular Board of Equalization will be held on August 23, 2005.

Alonzo Cahoon asked why the difference between commercial businesses in Fillmore and Delta? He thinks Delta's tax base should be any different than Fillmore. He thinks the tax money is divided equally between the two sides of the county.

Assessor Talbot said that isolated corporate buys could have affected the new assessments.

Commissioner Smith said that the comments and concerns of the people have been appreciated. There are several issues that the Commissioners will be look into at a number of different levels.

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

There were none.

WHERE UPON THE MEETING ADJOURNED

The meeting adjourned at 1:30 p.m..

Attest: _____ Approved: _____

