

MINUTES OF BOARD OF COUNTY COMMISSIONERS  
MILLARD COUNTY THE 17th DAY OF MARCH 2009  
AT THE COURTHOUSE, FILLMORE, UTAH

PRESENT: Kathy Y. Walker Chairperson  
Daron P. Smith Commissioner  
Bart A. Whatcott Commissioner

Richard Waddingham County Attorney  
Norma Brunson County Clerk  
Janice Robins Deputy County Clerk

ALSO PRESENT: Robert Dekker Millard County Sheriff  
Jim Talbot Millard County Assessor  
Kim Christy SITLA  
Nancy Kueber SITLA  
Chris Fausett SITLA  
Lou Brown SITLA

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:

COORDINATION SESSION

The Commissioners scheduled events for the month of March 2009.

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 Whatcott said the invocation. Everyone stood and said the Pledge of Allegiance to the Flag.

**POSSIBLE APPROVAL OF A BUSINESS LICENSE FOR ITM GIFT-OWNER DEBRA L. LOPEZ**

Commissioner Smith made a motion to approve a business license for ITM Gift-Owner Debra L. Lopez.

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

**RATIFICATION OF COMMISSION ACTION ON MARCH 3, 2009 TO AMEND THE MILLARD COUNTY STEP AND GRADE SCALE AND ADOPTION OF RESOLUTION NO. 09-03-17, A RESOLUTION OF THE MILLARD COUNTY COMMISSION TO AMEND AND ADOPT THE MILLARD COUNTY STEP AND GRADE SCALE**

Commissioner Smith made a motion to ratify the Commission action on March 3, 2009 to amend the Millard County Step and Grade Scale and adoption of Resolution No. 09-03-17, a Resolution of the Millard County Commission to amend and adopt the Millard County Step and Grade Scale.

Commissioner Whatcott **SECONDED** the motion. Clerk Norma Brunson called for a roll call vote. Commissioner Whatcott voted YES. Commissioner Smith voted YES. Commissioner Walker voted YES. The voting was unanimous and the motion carried.

**REPEAL OF RESOLUTION NO. 09-01-06, A RESOLUTION OF THE BOARD OF COMMISSIONERS OF MILLARD COUNTY, STATE OF UTAH, AMENDING THE WEST MILLARD SWIMMING POOL AND EAST MILLARD SWIMMING POLL FACILITIES AND EQUIPMENT FEES (RECENTLY ADOPTED BY RESOLUTION 09-02-17 AS PART OF THE MILLARD COUNTY FACILITIES USE AND RENTAL POLICY)**

Commissioner Whatcott made a motion to repeal Resolution No. 09-01-06, A Resolution of the Board of Commissioners of Millard County, State of Utah, amending the West Millard Swimming Pool and East Millard Swimming Pool Facilities and Equipment Fees (Recently Adopted by Resolution 09-02-17 as Part of the Millard County Facilities Use and Rental Policy).

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

**POSSIBLE APPROVAL TO REPEAL RESOLUTION NO. 09-01-06A, A RESOLUTION OF THE BOARD OF COMMISSIONERS OF MILLARD**

COUNTY, STATE OF UTAH, AMENDING THE MILLARD COUNTY SUNSET VIEW GOLF COURSE FEES. (RECENTLY ADOPTED BY RESOLUTION NO. 09-02-17 AS PART OF THE MILLARD COUNTY FACILITIES USE AND RENTAL POLICY).

Commissioner Whatcott made a motion to repeal Resolution No. 09-01-06A, A Resolution of the Board of Commissioners of Millard County, State of Utah, Amending the Millard County Sunset View Golf Course Fees. (Recently adopted by Resolution No. 09-02-17 as Part of the Millard County Facilities Use and Rental Policy).

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

(Later in the meeting, Commissioner Whatcott made a motion to rescind the repeals on Resolution No. 09-01-06 and Resolution No. 09-01-06A.

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

POSSIBLE APPROVAL OF RESOLUTION NO. 09-03-17, A RESOLUTION OF THE BOARD OF COMMISSIONERS OF MILLARD COUNTY, STATE OF UTAH, AMENDING THE MILLARD COUNTY INDIGENT BURIAL POLICY AND APPROVING THE NEW APPLICATION FORM

Attorney Waddingham said he is investigating new regulations that will affect the cost to the mortuaries who deal with indigent burials. The new information should be used in creating the County's new indigent burial policy.

Commissioner Smith made a motion to table this issue to a later date.

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

DISCUSSION AND POSSIBLE APPROVAL OF NEW MILLARD COUNTY ECONOMIC DEVELOPMENT ASSOCIATION ("MEDA") BOARD MEMBERS

This item was tabled.

DISCUSSION BY EACH COMMISSIONER, COUNTY ATTORNEY, AND ELECTED OFFICIALS AND SECRETARY

Commissioner Whatcott attended the National Association of Counties ("NACO") Conference in Washington D.C. and he thought the training and the

information given at the conference were very beneficial. The Commissioners enjoyed a breakfast with Senator Hatch and found his assistant J. J. Brown to be very helpful. They were impressed with Congressman Jason Chaffetz's work on the floor of the House. The Commissioners were able to discuss several of Millard County's concerns: The water issue and the possible relocation of the interagency fire district office out of central Utah.

Commissioner Whatcott and Deb Haveron, Millard County Tourism Director, attended the Trade Show Expo in Sandy, Utah. Eight hundred (800) applications for the National ATV Jamboree in Fillmore, as well as information regarding the activities available in the County were handed out to the attendees.

Commissioner Whatcott reported that the weed abatement spraying program setup is progressing. RB Probert from the BLM is helping to coordinate procedures with the County. Commissioner Whatcott said people can report grasshopper, cricket or noxious weed infestations to him. There is money available to help control these type of infestations.

Commissioner Smith attended the Legislative Steering committee meetings including the breakout meetings discussing current agriculture issues. He reported that NACO's official stance is against putting a tax on any animals, especially livestock.

Commissioner Smith said there is money for broadband in the revitalized rural act of 2009 (stimulus package). The only stimulus money for counties would have to come from the state and it has strings attached to it. Secretary Salazar, Secretary of Interior, Secretary Chu, Secretary of Energy, and Secretary Donovan, Secretary of Housing spoke at one of the meetings explaining its programs. They all said that the global warming issue is no longer debatable because it is scientifically proven. The two main goals, for the nation, are to become independent from foreign oil by developing renewable energy resources (keeping the base in coal) and creating jobs for Americans. In the future there could be carbon offset credits paid to farmers for not farming their ground. The Commissioners asked our legislators to challenge the statement that global warming is no longer debatable. The time the legislators' staffs spent with the Commissioners was very worthwhile.

Commissioner Walker attended an open house in Delta hosted by Magnum Gas Storage ("MGS") on March 3. MSG is proposing to develop the Western Energy Hub, which would include a natural gas storage with up to eight

caverns in Millard County. The project would also include approximately 60 miles of pipeline crossing Millard, Juab and Utah Counties.

Commissioners Walker, Smith and Whatcott attended the NACO conference in Washington D. C.. County commissioners from Utah and throughout the nation were in attendance to learn how President Obama's policies will affect local government.

Commissioner Walker serves on the NACO Environment, Energy and Land Use Steering Committee. Increasing renewable energy generation (almost double under the new administration), and reducing greenhouse gas emissions were the subjects that dominated those meetings and workshops.

A national renewable electricity standard is expected in the next few months, which will mean higher costs to consumers. Renewable power sources made up 9.2 percent of the total electricity nationwide in 2008. Wind, solar, ocean, geothermal, biomass, landfill gas and hydropower are considered renewables. Coal generation is the biggest power source at 48.4 percent, natural gas at 21.4 percent and nuclear power at 19.4 percent. These are not considered renewables.

Among the many national policies being introduced is the federal siting authority for electrical transmission lines. Senate Majority Leader Harry Reid's bill puts global warming and energy together, which includes national siting.

The conference and meetings with the national elected leadership provided valuable information to help the Millard County Commission provide services and protection of the county residents' welfare.

Commissioner Walker reported that the \$410 billion Omnibus Bill has 8,500 earmarks. One earmark was for \$290,000 to study the blueberry production in Georgia. The session "Chasing the Money" revealed a great deal of money is around but not necessarily for local government.

Commissioner Whatcott reported that Klint Penney had returned the equipment to the school district and Dean Stephenson, Millard School District maintenance, will be taking over the maintenance of the ball fields.

Assessor Jim Talbot reported that while in the process of doing a mobile home seizure at Del Park #10, they found that the mobile home in question had new owners. The new owners were unknowingly left with a city water bill and

\$232.02 in delinquent taxes. The owners have not been able to contact the seller of the mobile home. They have tried to make the payments but were unable to do so. The new owners have requested a hardship tax abatement because they did not own the mobile home at the time the taxes were assessed. Commissioner Whatcott made a motion to abate the taxes on the mobile home in Del Park #10 to allow the new owner's tax assessment to begin with ownership.

Commissioner Smith **SECONDED** the motion. The voting was unanimous and the motion carried. Assessor Talbot will write a letter to Auditor Grace and Treasurer Hansen in regards to the issue.

Assessor Talbot gave an update on issues that the state tax commission brought up on March 3. The Assessor's office has made plans to get the cities into the GIS system and cross training will be done in the office. It was suggested to have Adam Britt refocus his duties and help in getting the base done.

Commissioner Whatcott will contact Richard Beckstrand and Adam Britt about the urgency of the project.

An assessment of the County's buildings is being done under the direction of Assessor Talbot.

## **OPENING THE MILLARD COUNTY ROAD DEPARTMENT JANITORIAL CONTRACT BIDS**

There were no janitorial bids for the road department submitted by the deadline.

## **OTHER BUSINESS**

Marvin Turner, Area Manager from Utah Division of Forestry, Fire, and State Lands came before the Commissioners with the Amended Wildland Fire Budget Between Millard County and Utah Division of Forestry, Fire, and State Lands for Calendar Year 2009. FEMA had paid its portion of the Milford Wind fire and the cost to Millard County had been adjusted accordingly. A copy of the amendment will be on file in the Clerk's Office.

Jer'E Brinkerhoff reported that a man from Richfield is interested in renting twelve stalls for his horses while their local stalls are being built.

After discussing the pros and cons on changing County policy and the proposal of renting out the stalls for a portion of the revenues, Commissioner Whatcott made a motion to amend the County's covered/uncovered stall rental policy from a maximum of 10 days a month to a monthly rental basis at \$50.00 a month.

Commissioner Smith SECONDED the motion. The voting was unanimous and the motion carried. Mr. Brinkerhoff volunteered to help Delise Fullmer in the stall rental collections.

Sheriff Dekker requested a one dollar an hour raise for Janet Lindquist. Mrs Lindquist has worked for the County many years, worked as a volunteer prior to employment and is a major leader in the Millard County CERT Program. The Commissioners considered and approved the request.

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

Commissioner Smith made a motion to go into a closed executive session to discuss the character, professional competence or physical or mental health of an individual, and pending or reasonably imminent litigation.

Commissioner Whatcott SECONDED the motion. The voting was unanimous and the motion carried. The closed session began at 11:20 a.m. and ended at 11:48 a.m.

After the closed executive session the regular meeting reconvened.

#### OTHER BUSINESS CONTINUED

Assessor Jim Talbot requested a clarification on the step and grade scale for the Motor Vehicle Clerk and the Deputy Assessor II. It was determined that the current employee will be classified as a Deputy Assessor II and if a new employee comes in they will begin with the grade of the Motor Vehicle Clerk.

Commissioner Whatcott made a motion to break for lunch.

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

#### NOON BREAK

Commissioner Smith made a motion to reconvene the meeting.

Commissioner Whatcott SECONDED the motion. The voting was unanimous and the motion carried. The meeting reconvened at 1:45 p.m..

#### PUBLIC INPUT

There was none.

## FOLLOW UP ACTION ITEMS FROM MARCH 3, 2009

Commissioner Walker reported that Millard County had written letters to agencies regarding the possibility of the State Interagency Fire District Office being moved from Richfield to Cedar City and/or Salt Lake City. She had received a call from Marvin Turner, Area Manager, Utah Division of Forestry, Fire, and State Lands, who reported that the decision had been made to leave the office in Richfield, Utah.

Commissioner Whatcott proposed that Tammy Lane be trained as the custodian's assistant to cover Mickey Robison's shift on an as needed basis. She will be paid the same hourly rate as Micky Robison and will work under the direction of Klint Penney, East Millard Maintenance Supervisor.

Commissioner Smith and Verl Tolbert took a tour of the Topaz Slough Wildlife Management area. Commissioner Smith will send in Millard County's comments in regards to its proposal by the deadline.

## APPROVAL OF THE MINUTES OF MARCH 3, 2009

The proposed minutes of a regular County Commission meeting held March 3, 2009 were presented for consideration and approval. Following review and consideration of minor corrections

Commissioner Whatcott made a motion to approve the minutes of March 3, 2009, as corrected.

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

## AUDITOR'S REPORT

Auditor Brandy Grace reported that the IRS's standard mileage reimbursement rate for 2009 will be fifty-five (55) cents. The per diem rate for meals will be:

Breakfast \$12.00

Lunch \$12.00

Dinner \$25.00

Per Day \$49.00

Millard County follows the IRS's guidelines and the Auditor will notify all the offices that this is the rate for 2009.

## TREASURER'S REPORT



Treasurer John Hansen said that Rex Stanworth representing the Greater Delta Historical Restoration Association (Van's Hall) had contacted him about the delinquent taxes on the property, Parcel Number D-846. The 2008 delinquent taxes, penalties and interest on the property amounted to \$1,119.97. He said he had submitted an application to the County for tax exempt status for 2009 and asked that the 2008 taxes, penalty and interest be abated. The organization had also applied for a tax exempt status from the state. When Mr. Stanworth got the delinquent notice he contacted the Treasurer. The County's action that will be taken on this issue is:

- The ownership of the property and the date of conveyance will be verified.
- Treasurer Hansen will notify Rex Stanworth that Commissioner Walker will contact him Thursday, March 19, 2009 to discuss this issue.

THE WORK MEETING, WITH LOU BROWN, NANCY KUEBER, KIM CHRISTY AND CHRIS FAUSETT, STATE TRUST LANDS ADMINISTRATION AND THE COMMISSIONERS, WAS RECORDED

THE WORK MEETING DISCUSSING THE QUARTERLY REVENUES AND EXPENSES REPORT WITH THE ELECTED OFFICIALS AND THE DEPARTMENT HEADS WAS RECORDED. (JUDGE RON HARE, IT SUPERVISOR RICHARD BECKSTRAND, AUDITOR BRANDY GRACE, TREASURER JOHN HANSEN, CLERK NORMA BRUNSON, ATTORNEY RICHARD WADDINGHAM, SHERIFF ROBERT DEKKER AND THE COMMISSIONERS WERE IN ATTENDANCE.)

WHEREUPON 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 3:43 p.m..

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

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