

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 30th DAY OF JUNE 2009
AT THE COURTHOUSE, FILLMORE, UTAH

PRESENT:

Kathy Y. Walker Chairperson
Bart A. Whatcott Commissioner

Richard Waddingham County Attorney
Norma Brunson County Clerk
Marki Rowley Deputy County Clerk

EXCUSED: Daron P. Smith Commissioner

ALSO PRESENT: Maria Nye Mountain View Dairy
John Nye Mountain View Dairy
Brandy Grace Millard County Auditor
John Hansen Millard 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, as required by law, the following proceedings were had:

COORDINATION SESSION

There were none.

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. Commissioner Whatcott gave a thought "When you feel like giving up try to remember why you held on for so long in the first place." Commissioner

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

POSSIBLE APPROVAL OF THE DAYS OF THE OLD WEST RODEO OFFICERS; PRESIDENT, BRANDON ANDERSON, VICE PRESIDENT, JUSTIN TAYLOR, SECRETARY, SHERI CALLISTER

Commissioner Walker reported that according to the 1998 Days of the Old West Bylaws that are still in affect, the committee has the authority to conduct an election of officers. This would then need to be ratified by the County Commissioners.

Commissioner Whatcott made a motion to accept the Days of the Old West Rodeo Officers as accepted. Brandon Anderson as the President, Justin Taylor as the Vice President and Sheri Callister as the Secretary with other appointed positions.

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

MILLARD COUNTY DEFINITION OF WHAT CONSTITUTES ABANDONMENT OF BUILDING PROJECTS

This item was tabled.

POSSIBLE APPROVAL OF AN AGREEMENT WITH KANOSH TOWN TO PARTICIPATE ON FUTURE ROAD PROJECT(S)

This item was stricken from the agenda until further notice.

PERMANENT COMMUNITY IMPACT FUND BOARD (CIB) PUBLIC HEARING (WEST DESERT WATER FLOW SURVEY PROJECT)

Commissioner Walker stated the Water Science Center at the U.S. Geological Survey office of Utah has been contacted on Millard County's behalf by UAC's public lands advisor Mark Ward. The Utah USGS can compile important scientific information regarding the amount and source of flow for springs on the Utah side of Snake Valley, plus determine the general groundwater flow connection between Nevada and Utah portions of Snake Valley. Commissioner Walker is involved in the process of applying for Community Impact Board (CIB) funds to help cover needed expenses for the study.

Commissioner Whatcott made a motion to enter into a public hearing for the

purpose of receiving public comment regarding the West Desert water flow survey project.

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

Present were: John and Maria Nye

Commissioner Walker called the public hearing to order at 10:38 a.m.

Commissioner Whatcott asked who in Millard County will be taking charge of this? Commissioner Walker stated that Millard County is applying for the Grant and USGS will be doing the ground flow survey. UAC public lands attorney Mark Ward is the point person who will be working with USGS on Millard County's behalf.

Commissioner Walker stated that the Snake Valley water hearing has been postponed until 2011. The county will be applying for grant money to get the water flow survey study completed to use as evidence for that hearing.

John Nye questioned the amount applied for by the county. Commissioner Walker stated that the amount would be \$18,480 and that USGS will pay an additional \$12,320.

Unfortunately in 2010 and 2011 the amount will go up. The total amount would then be \$220,000 for the county's portion and \$150,000 for USGS's portion.

Maria Nye asked if USGS will be the one actually doing the study, and if there will be available grants in the future to cover the additional costs.

Commissioner Walker stated that USGS will be conducting the survey. The county would have to re-apply for the grants every year.

There were no other comments made.

The public hearing ended: 10:41 a.m.

The regular meeting reconvened.

POSSIBLE AMENDMENT OF RESOLUTION 09-02-17 A RESOLUTION BY THE MILLARD COUNTY COMMISSION AMENDING AND ADOPTING THE MILLARD COUNTY FACILITIES USE AND RENTAL POLICY BY ESTABLISHING RISK CLASSIFICATIONS AND INSURANCE REQUIREMENTS FOR ACTIVITIES ON COUNTY PROPERTY; PROVIDING FEES SCHEDULES FOR RENTAL OF MILLARD COUNTY FACILITIES AND MAKING TECHNICAL CORRECTIONS TO THE POLICY

Attorney Waddingham went over the changes that were made to resolution 09-02-17

Commissioner Whatcott made a motion to adopt Resolution 09-02-17, a Resolution by the Millard County Commission Amending and Adopting the Millard County Facilities Use and Rental Policy by Establishing Risk Classifications and Insurance Requirements for Activities on County Property; Providing Fees Schedules for Rental of Millard County Facilities and Making Technical Corrections to the Policy.

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

DISCUSSION REGARDING DAIRY INDUSTRIES - JOHN NYE

John and Maria Nye came to the Commissioners to discuss their dairy on Jones Road in Delta Utah. They have been in the dairy business for about 30 years. John Nye says that the dairy industry as a whole is in a financial crunch at this time. It costs the industry about \$16 per hundred weight to produce milk, this is running them about \$400,000 a month short which equals about \$500 an hour to stay in business. The Nyes are borrowing heavily against their equity to stay in business. This crunch started last year, due to the high feed costs. They are not coming to the Commissioners today to ask the county for anything. They are just informing the county of this and maybe to receive a few ideas.

Maria Nye said that some of the low price industry is due to the dairy industry being encouraged over the last 7 to 10 years to produce for an export market. This was going great and last year they exported 11% of the US dairy production off shore. Approximately last October everything crashed. This year the exports are back down to about 7½ % and 2% to 3% production. This is a result of producing for a market that went away. The need is there but the money is not. The Nyes have made every cost cut possible without hurting their herd.

They have a producer funded program called Cooperatives Working Together (CWT). This program removes cows from the cow herds so they cannot produce milk anymore.

They recently did a buy-out, as well as a buy-out last fall and a third buy-out

being announced soon.

Millard County currently is the number one dairy county in Utah, totaling about 20,000 cows in the county. Dairies in Millard County produce about 1,000,000 pounds of milk a day. Their markets are Salt Lake, Las Vegas and as far north as Logan. This is costly to ship the product out resulting in a financial struggle to stay in business.

Commissioner Walker stated that the county is aware of how important the dairy industry is to Millard County and our economy. It is being talked about within the six county area and within the state trying to figure out what to do to bring this industry up.

Commissioner Whatcott promised to bring this issue up to the senators and congressmen next time the Commissioners meet with them.

Mrs. Nye said that there is currently a bill in the US Senate that is looking at rearranging how milk is priced.

Commissioner Walker stated that she wanted to thank the Nyes for their involvement on boards and organizations, and all the time and effort that they have put forth to help benefit our county.

POSSIBLE ADOPTION OF THE COUNTY GENERAL TAX RATE AND LOCAL ASSESSING TAX RATE FOR 2009

This item was tabled.

POSSIBLE ADOPTION OF A MCAT AGREEMENT

Commissioner Whatcott made a motion to adopt the Multi County Appraisal Trust (MCAT) agreement.

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

Later in the meeting

Commissioner Whatcott made a motion to rescind the action regarding the possible adoption of a MCAT agreement and will adopt it formally by resolution at the next Commission meeting.

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

AUDITOR'S REPORT

Auditor Grace presented the check edit from June 26, 2009 for the Commissioners to review and sign.

Auditor Grace asked if the Commissioners were aware of the Sheriff's purchase of new vehicles. The Commissioners were aware the Sheriff's office had prior approval to purchase the vehicles because it was pre approved during the budget.

Auditor Grace stated that she told the Sheriff that the check would be printed on Friday. She stated that she meant the check would only be printed on that date but not available. Furthermore, Treasurer Hansen had not approved the release of the check. However, the Sheriff interpreted her comment to mean that the check would be available for delivery because he was told the check was ready. Therefore, someone from the sheriff's office came to the auditor's office on Friday to pick up the check to purchase the vehicles and the check was delivered.

Procedure requires that the release of any check must be pre-approved by the Commissioners, Auditor Grace and Treasurer Hansen. Auditor Grace said that she will inform her office of the procedure so that this will not happen again. In the future we should all make sure that we follow proper procedure so there is no mis-communication.

Auditor Grace stated that she received a letter from the State Library Division who holds the county's book mobile contract. They are making some changes due to state cuts. The letter stated that 98% of the subsidy for the program has been preserved. They are hoping to restore funding for their fiscal year 2011. Their budget has been cut \$465 for 2010. For the county to maintain the current level of bookmobile service they would need to increasing their contribution or work with the bookmobile librarian to decrease the budget expenditures by the amount of the subsidy cut for the balance of the contract year.

They are wanting to know how the county wants to deal with the 2% cut and to notify them of the decision so they can send out an amendment to the contract.

Commissioner Whatcott made a motion to fund the short fall of \$465 for the year 2010 to the book mobile.

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

Auditor Grace also stated that a telephone conference with the State Tax Commission regarding Milford Wind on their 2009 valuation is scheduled for July 14, at 10:00 a.m.

Auditor Grace stated that she forwarded the Commissioners an article from the Deseret News that deals with the fringe benefits on cell phone usage. It indicates that the Obama administration has asked congress to repeal the current policy.

Commissioner Walker stated that she talked to the county's lobbyist Bob Widener in Washington D.C. who is going to contact several different congressmen to try and figure out where they are at on this. She also called Senator Bennett and Senator Hatch's offices but she has not received a response back from them.

After further discussion the decision was made for Auditor Grace to move forward with implementing the policy for cell phone usage.

TREASURER'S REPORT

Treasurer Hansen pointed out to the Commissioners that Kanosh Town has the lowest tax rate of any city or town within the entire county.

He stated that he received settlement on Questar Gas's second appeal. He has paid the refund out to them in the amount of \$1,194.

He informed the Commissioners that Special Service District No. 8 has been removed from the Utah State Auditor's list of held funds. They have complied and are now able to receive funds.

Treasurer Hansen stated that Janeal Wingelaar who has property somewhere by Kanosh has an old mobile home on the property for which she has not paid taxes.

She called the Treasurer's office and asked for an adjustment due to "the trailer was a piece of junk and holds no value". The Treasurer's office told her that they could not make an adjustment.

She claims that last spring she talked to a County Commissioner who was male and he agreed and would take care of it for her. He said she would not be charged for the taxes and penalties on the valueless old mobile home.

Treasurer Hansen stated that he has not been made aware of any changes that would take place on this property. He wondered if she had talked to the assessor's office and thought it was a Commissioner.

Ms. Wingelaar still owes \$66.66 plus penalty and interest. The treasurer's office sent her out a delinquent notice as they do with everybody who hasn't

paid. They send out a first notice of delinquent taxes every year about this time, then a second notice and then a final notice near the time of the final tax sale. Ms. Wingelaar was adamant that this was going to be removed by one of the Commissioners.

Commissioner Walker said that this decision would have to be made between all Commissioners not just one. Ms. Wingelaar will need to go through the assessor's office and they will then present it to the Commissioners for review and final decision.

OTHER BUSINESS

Commissioner Walker presented a letter from the Millard County Sheriff's Office. Pursuant to Millard County Ordinance 2.10.142 and 2.10.143 and Utah Code Annotated 63.5b-401, the interim succession for the Millard County Sheriff's Office if the Sheriff is unavailable is as follows:

Captain Forrest Roper
Lieutenant Roger Young
Lieutenant Jeff Whatcott
Lieutenant Michael Winget

The Interim Succession for the Millard County Road Department and Weed Control are as follows:

W. Thayne Henrie, Road Supervisor
Steve Jensen, Assistant Road Supervisor
Walt Howard, Shop Foreman
Jeff Johnson, Truck Foreman

FOLLOW UP ACTION ITEMS FROM MINUTES OF JUNE 16, 2009

There were none.

APPROVAL OF JUNE 16, 2009 COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held June 16, 2009 were presented for consideration and approval. Following review and consideration of minor corrections

Commissioner Whatcott made a motion to approve the minutes of June 16, 2009, as corrected.

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

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

On June 17, Commissioner Whatcott attended the Fire District meeting. It was held at the Meadow Fire Station at 7:00 p.m.. He talked a few minutes regarding SB 1001 which passed and become law on June 15, 2009. The Commissioners were advised against taking this option this year. There are reportedly still too many doubts about whether re-directing Title III money to special service districts might trigger a Department of Interior audit of not just Title III funds but Title I and mineral lease funds as well. The Fire District was told not to expect these monies this year.

On June 18 he attended the Constitutional Defense Council meeting at the capitol board meeting room at 11:00 a.m.. He reviewed the 2009 updated plan for RS2477 rights-of-way. There was talk regarding the Ashley National Forest being severely restrictive on its use.

He also attended the Public Health meeting in Richfield later that evening at 6:00 p.m.. He stated that Millard County has 5 confirmed cases of H1N1 flu. It was brought to his attention that the H1N1 virus can stay alive for two days on a hard surface. The strain of flu is considered a “novel” strain which means that it has never been seen before. Utah is ranked number two in the nation in H1N1 flu cases.

There are a total of ten cases of H1N1 in the Six County area. Millard County has 5 cases and Sanpete County has 5 cases.

Greg Kessler wants to speak to the board of health on bringing in restaurant waste into the county for the purpose of making compost. Millard County will not accept waste from any other county.

He spent most of the week helping with the National ATV Jamboree guiding rides and helping with the overnight camp. There were 268 registered riders this year representing 16 states. Last year there were 244 riders and in 2007 there were 293 riders. The Jamboree infrastructure is comfortable with 250 to 275 riders. The Jamboree committee deposited a total of \$26,840 back to the county. This amount was received from registrations, the sale of tee-shirts and meals.

Commissioner Whatcott asked one individual from Michigan to keep track of his expenditures. He told him that at the end of the week he and his wife had spent \$580 for the week. As a conservative figure the Jamboree would have brought in \$77,720 during the week.

Off Road Specialist reported his best week ever during the Jamboree. He had

sold a number of machines, riding gear and provided service on repairing. Dearden reported that this year was comparable to last year which was also a good year. The Wagons West RV Park was turning people away. They were full all week and reported a very good crowd. The KOA was full two of the five nights, with 17 reservations made for next year's event. They complimented the county on an excellent event.

Millard County Care and Rehabilitation Center hosted a community barbeque, allowing residents of the facility to showcase their home. The dinner was prepared by members of the local Board of Directors. Commissioner Walker attended the event.

Commissioners Walker and Smith as well as Attorney Waddingham met with Alex Bolten, Brush Resources plant manager. They met to discuss a fixed time application to appropriate water to support its recovery program for contaminated water that has seeped from its tailings ponds. No new water will be pumped and the water can only be pumped to the tailings pond and evaporated to comply with the company's DWQ permit.

Commissioner Walker is the current commissioner overseeing the Days of the Old West Rodeo. She attended her first meeting with the committee to address several issues, which included their current by-laws. A task force was assigned by the committee to update the 1998 bylaws. The June 2009 rodeo was successful, but a final financial report has not been completed.

Central Utah Mental Health held their annual day-long retreat in Delta. Commissioner Walker hosted the event. The day began with nine-holes of golf at Sunset View Golf Course, followed by a budget public hearing. The retreat is rotated throughout the six-county area on an annual basis.

Commissioner Walker attended a dinner hosted by the Hinckley Lions Club to honor a group of approximately 30 cyclists traveling from San Francisco to Washington D.C. in a three-month period. The annual ride raises funds for youths nationwide faced with mental disabilities.

Millard County has implemented a practice that no funds be released to an individual or an organization without submitted invoices. The County will then pay the invoices up to a designated amount.

The only remaining organization that was not informed of this change was the Millard County Jr Livestock show. Commissioner Walker sent them a letter stating this change and requested a copy of their invoices. They submitted the

required invoices to her. She will now inform the auditor's office to release a check to this organization.

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

There was none.

PUBLIC INPUT

There was none.

WHERE UPON THE MEETING ADJOURNED

Commissioner Whatcott 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 12:55 p.m.

Attest: _____

Approved: _____