

MINUTES OF BOARD OF COUNTY COMMISSIONERS  
MILLARD COUNTY THE 4th DAY OF AUGUST 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  
Marki Rowley Deputy County Clerk

ALSO PRESENT: Robert Dekker County Sheriff  
Jim Talbot County Assessor  
Brandy Grace County Auditor  
Mark Maxfield Utah State Tax Commission

Note: Not all agenda items were followed in order.

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 was 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 said, "After yesterday I realize the importance of making time for yourself, where your phone doesn't ring and you can just relax

with your family and friends and not worry about the outside world. It is very important to the human soul.”

Commissioner Smith said, “It is a part of the American character to consider nothing as desperate to surmount everything difficult by resolution and conviction.”

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

#### REQUEST FOR COMMISSION WAIVER - WEST MILLARD RODEO CLUB

The Rodeo Club is asking the County to waive fees associated with the outdoor arena, the indoor arena, the concession stands, the stall rentals and the tractor and rake.

Commissioner Smith made a motion to waive 50% off of the indoor and outdoor arena fee, waive the fee for the concession stand, reduce the stall rental fee to \$15.00 for the first night, then \$5.00 each night after. No fee waiver for the shavings, the tractor and the rake for the West Millard Rodeo Club. Commissioner Whatcott SECONDED the motion. The voting was unanimous and the motion carried.

#### PHONE CONFERENCE CALL WITH TOM PETERS

The Commissioners called for this to be in a closed session to discuss litigation.

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

Commissioner Whatcott made a motion to go into a closed executive session to discuss litigation.

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

After the closed executive session the regular meeting reconvened at 10:55 a.m..

#### POSSIBLE APPROVAL OF A BUSINESS LICENSE FOR S.P.S. BIT SERVICE - OWNER STAN SMITH

Commissioner Smith said that Mr. Smith came to him and explained the nature of his business. The Commissioners looked over the application and found all signatures in order.

Commissioner Smith made a motion to approve the business license for S.P.S. Bit Service - Owner Stan Smith.

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

#### **RATIFY THE APPROVAL OF INDIGENT BURIAL FOR RAY EDWIN CARPENTER IN THE AMOUNT OF \$995.00**

Commissioner Whatcott made a motion to approve the indigent burial for Ray Edwin Carpenter in the amount of \$995.00.

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

#### **POSSIBLE RECONSIDERATION AND AMENDMENT OF A PORTION OF THE MINUTES FROM THE JUNE 30, 2009 COUNTY COMMISSIONS MEETING**

Attorney Waddingham read the changes that were made to the minutes.

Commissioner Whatcott made a motion to approve the amended minutes of June 30, 2009.

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

#### **OTHER BUSINESS**

Sheriff Dekker presented the Fourth District Courthouse Security and Bailiff contract amendment from the State of Utah, Administrative Office of the Courts, for the Commissioners to sign. \*\*\*\*need a signed copy from the Sheriff.\*\*\*

Commissioner Smith made a motion to renew the contract with the State of Utah, Administrative Office of the Courts for Bailiff services and Security Services.

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

Commissioner Smith stated that he received a questionnaire from Attorney Mark Ward, Utah Association of Counties' Policy Coordinator for Public Land Issues. Mr. Ward wanted to know if there were any roads in Millard County that were closed improperly or needed to remain open that the County would like to claim as RS2477 roads and submit to the State of Utah AG's Office. Commissioner Smith thought of two roads to submit, Amasa Basin (ATV) trail road and the Hell'n Moriah Road.

Commissioner Whatcott made a motion to submit the Amasa Basin Trail road and the Hell'n Moriah road for review as RS2477 roads. Commissioner Smith SECONDED the motion. The voting was unanimous and the motion carried.

Commissioner Walker asked that Assessor Jim Talbot explain the increase in the property tax valuation.

Assessor Talbot explained that the County was not compliant with the Utah State Tax Commission. To become compliant required the Assessor's office to do a re-evaluation of properties and could result in a tax increase for some areas.

Commissioner Whatcott made a motion to recess for lunch. Commissioner Walker stepped from the chair and SECONDED the motion. The voting was unanimous and the motion carried. The meeting recessed at 11:57 a.m.

#### NOON LUNCH BREAK

Commissioner Smith was excused for a Utah Association of Counties (UAC) executive conference call for the remainder of the meeting.

Commissioner Whatcott made a motion to reconvene the meeting. Commissioner Walker stepped from the chair and SECONDED the motion. The voting was unanimous and the motion carried. The meeting reconvened at 1:34 p.m. .

#### OTHER BUSINESS CONTINUED

Commissioner Walker stated that the County currently has cell phone allowances of \$40, \$60 and \$80. They are finding that in some instances where cell phone numbers are given out to the public at large, those amounts are not

covering the costs. The suggestion was to add another allowance of \$120 to the already existing amounts for those elected officials who require additional minutes or services.

Commissioner Whatcott made a motion to create an additional allowance of \$120 for select individuals on the cell phone usage plans. Commissioner Walker stepped from the chair and SECONDED the motion. The voting was unanimous and the motion carried.

#### FOLLOW UP ACTION ITEMS FROM MINUTES OF JULY 21, 2009

There were none.

#### APPROVAL OF JULY 21, 2009 COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held July 21, 2009 were presented for consideration and approval. Following review and consideration of minor corrections

Commissioner Whatcott made a motion to approve the minutes of July 21, 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

Commissioner Whatcott reported that he participated in the interview process with Utah State University for an Agricultural agent for Millard County. They interviewed three individuals: Ms. Mills from Gainesville, Texas, Mr. Wilde from Circleville, Utah and Mr. Bunting from Cut-Bank Montana. All were outstanding applicants.

He also participated in the Council of Governments which was held at the Millard County offices in Delta.

He has been working with the State Road office from Richfield. There is a desire to have the speed limit from Meadow to Kanosh increased from 55 mph to 65 mph. This is a state road and not a county road. (SR # 133). A survey will be completed in the next two weeks to see if it is feasible. A survey was conducted a number of years ago but because of protests from some residents the speed increase was dropped. Even though the road can support the speed

limit of 65 mph, which was proven in the last survey, the use of the road has changed to an increasing use of agriculture equipment traveling at 12 to 15 mph. The state will make their decision and get back to him.

Commissioner Whatcott had a meeting with Congressman Chaffetz's office regarding a land swap for the community of Eskdel, Utah. They want to combine their properties to help ease their farming operation expenditures and make their farming operations more productive. He also has been working on the "Town Hall meeting" for Congressman Chaffetz which will be held on September 2, at the Territorial Statehouse in Fillmore and then in Delta later that evening.

He had a telephone call from Russell Dewsnup from Oak City regarding property that he received a tax notice on. His complaint was that he was paying taxes on property that he didn't own. Through the process of reestablishing an original boundary line, and the one year time period needed until the new owner would receive his tax notice, Mr. Dewsnup is responsible for the taxes. It was decided that a letter would be written by the Assessor's office on behalf of Mr. Dewsnup to help explain the situation to the new property owner.

Commissioner Smith attended the National Association of Counties Conference in Nashville Tennessee July 23-28.

Commissioner Walker attended the Council of Governments meeting on July 22.

County Clerk Norma Brunson reported that Howard Western from Sound Unlimited came and looked at the current sound system in the Commission Chambers. He thought the cost would be reasonable to update the system. He will write up a bid and present it to Clerk Brunson. She will then report it to the Commissioners.

Commissioner Whatcott reported that Delise Fullmer has put in her notice to quit. She has accepted a job at the high school as an English teacher.

## PUBLIC INPUT

There was none.

## AUDITOR'S REPORT

Auditor Grace presented the check edit of July 30, for the Commissioners to review and sign.

She also presented invoices from Jer'E Brinkerhoff for the Horse Races. One was for Ambulance services in the amount of \$225 and the other was for the announcer Kelly Gillins in the amount of \$125.

She received an invoice from Utah Association of Counties for the Centrally Assessed Litigation. With the credit of \$4,968.44 from the overpayment on the first quarter, the balance for the second quarter is for \$13,431.58.

Auditor Grace then presented letters of hardship abatement applications.  
C Myron and Joy Johnson of Holden, Partial H-6450, excessive medical bills  
C Ken and Terri Devers of Delta, Partial D-745-1, disability  
C Kenneth Barker of Kanosh, Partial K8272-1, disability

Commissioner Whatcott made a motion to abate the Devers' taxes at 35%.  
Commissioner Walker stepped from the chair and SECONDED the motion.  
The voting was unanimous and the motion carried.

Commissioner Whatcott made a motion to abate Kenneth Barker's taxes at 25%.  
Commissioner Walker stepped from the chair and SECONDED the motion.  
The voting was unanimous and the motion carried.

Commissioner Whatcott made a motion to abate the Johnson's taxes at 45%.  
Commissioner Walker stepped from the chair and SECONDED the motion.  
The voting was unanimous and the motion carried.

Commissioner Whatcott mentioned that Klint Penney, Maintenance Supervisor, asked that John Orullian, Maintenance, be moved up on the step and grade scale. After discussion it was determined that he will be eligible for a step increase in January.

#### TREASURER'S REPORT

There was none.

#### OTHER

Attorney Waddingham wanted to clarify that the draft documents on the step and grade plan are protected records and have not been classified otherwise.

Commissioner Walker stated that it was declared in the beginning that those drafts were protected records and they will not be released.

**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 2:33 p.m..

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

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