

MINUTES OF BOARD OF COUNTY COMMISSIONERS  
MILLARD COUNTY THE 1st DAY OF SEPTEMBER 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: Ron Hare East Millard Justice Court  
Carolyn Erickson Citizen  
Bruce Parker Planning and Zoning  
Shelly Teuscher First Wind  
Kevin Morris Millard County Recreation  
Brandy Grace County Auditor  
John Hansen County Treasurer  
Mark Maxfield Utah State Tax Commission

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 Smith read a quote from Thomas Jefferson, "The disease of liberty is catchy". Commissioner Whatcott said the invocation. Everyone stood and said the Pledge of Allegiance to the Flag.

#### JUDGE HARE - INFORMATION ON ACCEPTING CREDIT CARDS THROUGH CORIS

Judge Hare informed the Commissioners that he is planning to sign up to accept online payments through the Coris Program. This will make it possible for citizens to pay using their credit cards online.

#### RATIFY THE APPROVAL OF HARDSHIP APPLICATIONS

Commissioner Smith made a motion to approve the hardship applications for the Quarnbergs and Ms. Rowley.

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

#### DISCUSSION AND POSSIBLE APPROVAL OF DELINQUENT PROPERTY TAXES ON A HARDSHIP ABATEMENT APPLICATION

Carolyn Erickson explained that over the last few years she has been taking care of her husband. This has put a strain on her financial ability to make the payments on her 2005 through 2008 property taxes.

Auditor Grace stated that Mrs. Erickson has filled out a hardship abatement application for her 2009 property taxes. These issues will need to be looked at separately. Auditor Grace will present an application for her 2009 taxes at the next Commission meeting.

Commissioner Whatcott made a motion to waive the penalties and interest and abate 30% of Carolyn Erickson's delinquent property taxes for 2005, 2006, 2007 and 2008.

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

#### DISCUSSION AND POSSIBLE DECISION TO RESCIND THE MOTION TO INCREASE THE SWIMMING POOL EMPLOYEES WAGES

Commissioner Whatcott made a motion to rescind the motion to increase the swimming pool employees wages until the budget process.

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

the motion carried.

#### DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 09-09-01, A RESOLUTION ADOPTING A POLICY FOR ESTABLISHING RATES FOR RESEARCH AND COPYING COSTS ASSOCIATED WITH RECORDS REQUEST

This item was tabled until the September 15, 2009 meeting.

Commissioner Smith made a motion to table the Resolution. Commissioner Whatcott SECONDED the motion. The voting was unanimous and the motion carried.

#### DISCUSSION AND POSSIBLE APPROVAL OF EVENTS AND LIABILITY INSURANCE FOR MILLARD COUNTY RECREATION - KEVIN MORRIS

Kevin Morris, Millard County Recreation, said that one of the problems that they are facing is declining revenue and budget cuts. He said that Recreation is looking for anything that they can do to promote events. One of the problems the participants are faced with is insurance coverage for the events. Some of the events cost a thousand dollars a day for insurance.

Mr. Morris has talked to a few other counties that are co-sponsoring events to keep the costs down and the revenue up.

Attorney Waddingham said that Millard County's insurance policy only covers Millard County employees, agents, and representatives, not third parties. The county can support any event that comes into the county. However, if there is a lawsuit filed, the County will more than likely be named as a party to the lawsuit even though it may not have any responsibility. This can result in the county paying thousands of dollars to prove that it is not responsible.

Attorney Waddingham suggested that if the individuals or groups want to use the county facilities then they should apply for a TULIP Policy through Utah Counties Insurance Policy (UCIP).

Mr. Morris said that they have looked into a TULIP policy and found that most events are not covered because they are considered class four events.

Attorney Waddingham said that he will contact UCIP to see what policies are available for the events. He will let Mr. Morris know by the end of the week.

Shelly Teuscher, First Wind, said that she wanted to clarify with the Commissioners about a rumor that Milford Wind was talking to BLM about Phase III of the project. She said that this is not the case. Milford Wind is very much focused on Phase II at this time. Milford Wind may have chosen a

turbine and a layout for Phase II and will report on that at their next scheduled appearance or when they have more information.

The Commissioners thanked Ms. Teuscher for the update and the information.

## OPENING OF EAST MILLARD SWIMMING POOL ATRIUM ROOF BIDS

Auditor Grace opened the bid from Rocky Mountain Atriums, Inc.

- The bid is for the following service(s) and/or materials:
- Removal and disposal of old building materials on the Millard County pool building
- Installation of new building materials on the same building including:
  - Polycarbonate panels
  - Track pieces, switches, guides, and other mechanical parts (excluding motors) as needed.
  - Hardware needed to fasten above to existing super-structure
- Timeline:
  - The work above should be completed within 5 weeks of commencement
- Payment and Terms:
  - \$59,154.16 will be paid in two payments of \$29,577.08. The first payment is a materials deposit required two weeks prior to commencement and the second payment is to be paid upon successful completion of work listed above. Money will be disbursed from the East Millard Recreation Capital Fund Balance.

Klint Penney, East Millard Maintenance Supervisor, said that he has spoken with Rocky Mountain Atriums about a 10 year warranty on a new roof for the East Millard Swimming Pool. To replace the structurally unsound roof currently in position. Attorney Waddingham wanted to make sure that Rocky Mountain Atriums will provide payment and performance bonds, and insurance coverage. Once all this is in place the County will enter into a contract.

Commissioner Whatcott made a motion to accept the bid with all of the provisions of the bid.

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

## RECONSIDERATION AND POSSIBLE AMENDMENT TO NOVEMBER 5, 2008 SPECIAL COMMISSION MEETING MINUTES

Commissioner Smith read the changes that were made to the minutes.

Commissioner Smith made a motion to approve the amended minutes of November 5, 2008.

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

## OTHER BUSINESS

Commissioner Walker said that Sheriff Dekker called to let her know that the Scipio fire had jumped the line and has started another fire.

Commissioner Smith made a motion to sign the renewal contract with the State of Utah for the county predatory control program for the fiscal year 2010. Commissioner Whatcott SECONDED the motion. The voting was unanimous and the motion carried.

Commissioner Smith made a motion to appoint Sandra England as the secretary and board member for Special Service District Number 8. Commissioner Whatcott SECONDED the motion. The voting was unanimous and the motion carried.

County Clerk Norma Brunson said that she received the estimate from Howard Western for the sound system in the Commission Chambers. The Commissioners said that they will review this estimate during the budget process.

Commissioner Walker has been given the authority to sign the Master Road Agreement with the Forest Service through the year 2014. Commissioner Walker has signed this agreement and has forwarded it to Pat Fordham. Pat Fordham will obtain the remaining signatures needed and then send a copy to the Clerks office for filing.

## APPROVAL OF THE MINUTES OF AUGUST 18, 2009

The proposed minutes of a regular County Commission meeting held August 18, 2009 were presented for consideration and approval. Following review and consideration of minor corrections

Commissioner Whatcott made a motion to approve the minutes of August 18, 2009, as corrected.

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

## APPROVAL OF THE MINUTES OF AUGUST 24, 2009, A SPECIAL MEETING OF THE MILLARD COUNTY COMMISSION

The proposed minutes of a special County Commission meeting held August 24, 2009 in Delta were presented for consideration and approval. Following review and consideration of minor corrections Commissioner Smith made a motion to approve the minutes of August 24, 2009, as corrected. Commissioner Whatcott SECONDED the motion. The voting was unanimous and the motion carried.

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

There was none.

## PUBLIC INPUT

There was none

## AUDITOR'S REPORT

Auditor Grace presented the check edit from August 31, 2009 for the Commissioners to review and sign.

She asked the Commissioners if they wanted her to send out a memo for the budget kick off meeting. The Commissioners said that they would put something together for the memo no later than September 9. They also set dates and times to meet with the Departments.

Auditor Grace also reminded the Commissioners to talk to the department heads about the purchasing policy and complying with it at the budget meeting. Commissioner Walker said that she had talked to the department heads, but she wants to further discuss the telephone bids at the budget meeting.

Auditor Grace received a request to initiate a new purchasing card for Trenton Wilde, the new Ag agent for USU.

Commissioner Whatcott made a motion to activate a credit card for Trenton Wilde in the amount of \$1,500. Commissioner Smith SECONDED the Motion. The voting was unanimous and the motion carried.

The Assessors office was required to make changes to the specific property areas. These changes should have been done prior to when the original valuation notices went out in July.

Auditor Grace said that one of her main concerns is the number of parcels that would be affected. There were already a large number of phone calls and protests received when the original valuation notices went out. Sending revised notices now will result in additional phone calls and protests while Board Of Equalization (BOE) hearings are taking place. Also, there is still the requirement of allowing the taxpayer 45 days to appeal the value. What would have been the September 15 deadline is now going to be 45 days from the date that the new notices are mailed. The notices will need to be mailed right away so that the appeals process can take place before the tax roll is turned over to the Treasurer.

The Assessors office was required to make changes to the specific areas, these changes should have been done prior to when the original valuation notices went out in July.

The decision was made to focus on those areas of the Assessor's map that were of the most concern. This is not a choice any of the officials want to make but they feel that it will better protect the interest of the citizens in the county. Commissioner Smith said that the Auditor and the Treasurer have the Commissioners' approval of having the authority to do what is needed to get this done as soon as possible. The Commissioners will inform the Assessor's office of this decision.

#### POSSIBLE APPROVAL OF HARDSHIP ABATEMENT APPLICATIONS

This item was tabled until the September 15, 2009 meeting.

#### TREASURER'S REPORT

Treasurer Hansen presented the Commissioners with the Treasurer's financial report.

#### WHERE UPON 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 12:01 p.m..

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

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