

MINUTES OF BOARD OF COUNTY COMMISSIONERS  
MILLARD COUNTY THE 6th DAY OF APRIL 2010  
AT THE COURTHOUSE, FILLMORE, UTAH

PRESENT: Daron P. Smith..... Chairperson  
Kathy Y. Walker. .... Commissioner  
Bart A. Whatcott. .... Commissioner  
  
Richard Waddingham ..... County Attorney  
Norma Brunson ..... County Clerk  
Marki Rowley. .... Deputy County Clerk

ALSO PRESENT: Bryan Whipple . . . . . Cental Utah Counseling  
Farrel Marx . . . . . Central Utah Counseling  
Bruce Costa. . . . . Central Utah Public Health Department  
Marreen Casper, Director . . . . . Southern Utah Office Senator Hatch  
Knox Huntsman . . . . . American Legion Post 61 District 6  
Mick Figueroe. . . . . American Legion Post 61  
Raymond L. Stephenson . . . . . American Legion Post 61  
Forrest Roper . . . . . Sheriff's Office  
Wayne Jackson . . . . . American Legion Post 61 District 6  
Randle Brunson . . . . . Citizen  
Dean Draper . . . . . Chronicle Progress  
Jed Maxwell . . . . . TDS  
Mike Burch . . . . . Bridgestone Bandag  
Russell Hill . . . . . TDS  
Ken McBride . . . . . Bridgestone Bandag  
Georgia Hare . . . . . University of Utah Scholarships  
Connie Hansen . . . . . County Recorder  
Brandy Grace . . . . . County Auditor  
John Hansen . . . . . 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:

PUBLIC WAS WELCOMED

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

## OPENING STATEMENTS

Commissioner Smith asked if anyone had an opening statement to give. Commissioner Walker read a quote from Helen Keller, "Character cannot be developed in ease and quiet. Only through experience of trial and suffering can the soul be strengthened, vision cleared, ambition inspired and success achieved." Commissioner Whatcott said the invocation. Everyone stood and said the Pledge of Allegiance to the Flag.

## DISCUSS INDEPENDENT AUDIT FOR CENTRAL UTAH COUNSELING

Brian Whipple and Farrel Marx went over Central Utah Counseling audit for the year ending June 30, 2009.

The only negative findings in the audit process was in testing of cash receipts. There was 1 out of 22 deposits that was deposited more than three days after receipt. Utah Code 51-7-2(2) requires that all public funds be deposited daily, whenever practicable, but not later than three business days after receipt. It is hard for the smaller sites to get a deposit in every three days.

Mr. Marx went over the Financial Statements. He discussed assets, liabilities, revenues and expenditures. He read the statement by the auditor: "In our opinion, the financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities, each major fund, and the aggregate remaining fund information of Central Utah Mental Health/Substance Abuse Center as of June 30, 2009, and the respective changes in financial position thereof for the year then ended in conformity with accounting principles generally accepted in the United States of America."

Overall the mental health is doing very well.

Mr. Marx discussed mental health is still considering building a new Central Utah Mental Health building in Fillmore at a later date.

## CENTRAL UTAH PUBLIC HEALTH (CUPH) H1N1 UPDATE AND LEGISLATIVE ISSUE UPDATE - BRUCE COSTA

Bruce Costa said that the H1N1 virus has slowed down a lot and is pretty well dead. About 20% to 25% of the area received the H1N1 vaccination. CUPH is still trying to get the children who have only received the first dose of the vaccination to come in and get their second dose. The second dose is necessary for the vaccination to work.

The fairgrounds in Delta and the Senior Citizen's Center in Fillmore were busy for at least the majority of the clinics. There was a discrepancy at first in the amount of doses said to be delivered making it hard to vaccinate as many people who came in to get the vaccination. They now have a good amount of doses available for the public who are still wanting to be vaccinated. There is talk about combining the H1N1 vaccination with the seasonal flu vaccination.

With the 20% of the people who were vaccinated they feel that maybe another 20% have received a natural immunity from others receiving the H1N1 flu. The H1N1 vaccination program worked to help keep a lot of people from getting sick. Without the vaccination the virus could have been a lot worse.

They discussed the potential for a new CUPH building in Fillmore which is desperately needed.

#### WASHINGTON UPDATE - MARREEN CASPER, SENATOR HATCH'S OFFICE

Marreen Casper came to give a brief update on behalf of Senator Hatch. The senator is still serving on the Finance Committee and the Judiciary Committee. He is the ranking republican on both those committees. It is a frustrating time to have staff and members excluded from any of the legislative sessions where they are putting things together, then to be handed a completed bill and told if you agree with this it is bipartisan and if you don't then you are trying to stop progress. That is what has been happening.

Senator Hatch is on the health committee, the select committee on intelligence, the special committee on aging and a joint committee on taxation.

Senator Hatch is opposed to using the American Recovery and Reimbursement Act (ARRA) money for anything for which it was not intended. When it was first passed, any money that was not used within a time frame would go back to the Federal Government to be used to pay down a deficit. The senator is still in support of that. It will probably still be available for the states to apply for, but if the Senator has his way the money will go back to the Federal Government due to over spending.

The health care bill passed on Christmas Eve morning was different than what the house did. When they went back into session in 2010 the house passed a different version than what the senate had passed. The president did sign it because he deemed that it had enough votes in the senate to actually pass. It eventually passed with some variations from the house and then had to be ratified by the house. This legislative process has never been allowed in the history of our country and the senator is concerned about this. If we had one more republican senator or could get a democratic senator to come over, they could stop what is going on.

The senator has been a part of every health care package that has been passed in the 32 years he has been in the senate, but he has been excluded from this one. He says that this bill is so expensive it is going to cost the country much more than anyone has any idea. When talking about medicaid and the number of people that it is going to include and bring on to a system that is already in trouble, it is not going to be a good thing.

The senator is supporting the state in its lawsuit over the health care legislation. He said that the mandate that everyone has to pay for insurance or be fined is unconstitutional.

The senator is also opposed to increasing the debt limit. He has introduced legislation and urged the president to keep the Bush tax cuts in affect. The Bush tax cuts will stay in affect for families earning less than \$200,000 a year, but those who are above that amount will be affected which will include most small businesses. The senator is working hard on trying not to burden the citizens with more debt or more tax.

The senator from South Carolina introduced an amendment that said that you could not use the Antiquities Act to create national monuments. Senator Hatch voted for that and it was defeated. He has spoken personally with President Obama and Secretary Salazar saying that Utah has a public

process that is working to decide how land issues should be settled. It should not be allowed that a single group determine what is going to happen with the land where much of it is SITLA land that should be used for the school kids. Both the President and the Secretary assured him that it was just an inner working memo and they had no intention of establishing new monuments in Utah. They want to make that promise to the American people and the citizens of Utah. Senator Hatch told them that he knows what kind of promise that means in Utah and frankly the citizens of Utah do not have much faith in that promise. The whole delegation is working on this.

He did get some thanks from the US Chamber for his cyber security legislation in trying to make computer systems safe, especially government and business computers.

He has really blasted the Obama Administration for closing off the land where oil and gas could be drilled and coal and natural resources provided, as well as losing jobs that could have come from drilling here instead of buying it from over seas.

Marreen Casper gave the commissioners copies of the constitution and some information regarding the Senior Conference in St. George featuring Ron McBride as the key note speaker.

#### PRESENTATION FROM THE AMERICAN LEGION - WAYNE JACKSON

Wayne Jackson reported on the American Legion's Birthday Party. It turned out better than they had thought. There were more motels used for three days instead of two. The county was affected in a positive way from this event. They want to have it hosted in Fillmore again next year.

On behalf of American Legion District 6 and Post 61, Mr. Jackson presented a plaque to the county for its help with the American Legion Birthday Party. They were amazed as to what the county had done for the legion birthday and wanted to say thank you.

Mr. Jackson presented a check in the amount of \$345 to Captain Forrest Roper on behalf of the Sheriff's Office which were donations collected by American Legion Members to support the Josie Fox fund.

Mr. Jackson said that they have some South Pacific medals to present to the veterans who served in the South Pacific during World War II (WWII). The South Pacific Islanders have had over 62 years of freedom due to the WWII veterans who fought there. They have already presented 6 medals, 3 of which were awarded to persons in long term care. They estimate that there are at least 20 or 30 more to give out. The only stipulation is that the medal can only be presented to the veteran who is still alive.

The Legion would like to invite the commissioners to take part in presenting the medals to the veterans with their families present.

The Utah State Department of American Legion wants to address the idea of doing the state convention in Fillmore, which will be for three days.

Mr. Jackson asked if the county would be willing to help with the cost of the bookstand that

was placed by the veterans wall which holds an index book of all the names listed on the wall making it easier to find those names. Commissioner Walker said that she will check the tourism budget to see if there is money to help with the cost of the bookstand. Auditor Grace informed Commissioner Walker that there is some money available in the special projects fund. The commissioners agreed to use \$1,100 of the special projects fund to pay for the bookstand.

**PUBLIC HEARING TO DISCUSS THE (FILLMORE AMBULANCE BUILDING) PROJECT DETERMINED TO BE APPLIED FOR IN THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) SMALL CITIES PROGRAM FOR PROGRAM YEAR 2010**

Commissioner Walker made a motion to enter into a public hearing for the purpose of receiving public comment on the Fillmore Ambulance Building Project determined to be applied for in the CDBG small cities program for program year 2010.

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

Present were: Knox Huntsman, Mick Figueroe, Raymond L. Stephenson, Forrest Roper, Wayne Jackson, Randle Brunson, Dean Draper, Jed Maxwell, Russell Hill, Ken McBride, Georgia Hare, Ron Hare and Brandy Grace.

Commissioner Smith called the public hearing to order at 11:18 a.m..

Commissioner Walker said that this is the second hearing called to allow all citizens to provide input concerning the project that was awarded under the 2010 CDBG program. The county has amended its capital investment plan and decided to apply for funds for construction of a new Fillmore Ambulance Building. She explained that the application was successful in the regional rating and ranking process and Millard County was awarded \$195,000 for the Fillmore Ambulance Building Project.

Commissioner Walker explained the project to those in attendance. She introduced Captain Forrest Roper from the Sheriff's Office who explained the need for the ambulance building. Currently the ambulances are co-housed with Fillmore City Fire Department. Although it is a good location, it is crowded and the ambulance department is getting pushed out. They have been putting money into the current building to fix leaks and such which is a continuing battle. There is property by the Sheriff's office which would be a great location for the new ambulance building.

Commissioner Walker said that she is very excited about a new ambulance building being built in Fillmore. Commissioner Whatcott said that it would be good to have the building at the end of town to avoid the school zones.

Auditor Grace asked if any funds would be expended this year for the project? Commissioner Walker said that the project would probably not start until 2011.

It was asked if there is a design for the ambulance building. They have been working on the design for about three years, and the plans are available for the public to view.

Commissioner Smith asked if there were any more comments, questions or concerns.

There were no other comments made.

Commissioner Walker made a motion to go out of the public hearing.

Commissioner Whatcott SECONDED the motion. The voting was unanimous and the motion carried. The public hearing closed at 11:25 a.m..

The regular meeting reconvened.

#### DISCUSSION ON NATIONAL INCIDENT MANAGEMENT SYSTEM (NIMS) TRAINING - FORREST ROPER

Captain Forrest Roper explained that NIMS is the standardization to respond to any disaster or emergency management issue.

There are training requirements for the response agencies. NIMS strongly recommends that all government officials, including elected officials and department heads, take part in available online training courses which take about an hour to an hour and a half to complete. Captain Roper has to report those officials who complete the training. All the federal funding grants are tied to NIMS certification.

An IS402 Class will be held in Fillmore on April 28, 2010 at 7:00 p.m.. There will be an orientation held on May 26, 2010 at 6:00 p.m. at the Sheriff's Office offered at no charge. Instructors from the state level will be in attendance to help with the orientation of emergency management issues and how they affect the officials.

Public Safety Summit is coming up on May 18 - 20 in Ogden. UCIP is putting on a conference on April 28 and 29 in South Jordan. Those who attend all four classes would be deemed certified.

#### CLARIFICATION OF TIRE BIDS SUBMITTED BY TDS TIRES - JEDD MAXWELL

Russ Hill, TDS Store Manager, said that he was shocked to see which bid the county awarded for its tires. He gave price comparisons on each of the tires presented through Quality Tires to show that TDS' overall bid was less. Mr. Hill said the county could have saved approximately \$1500 if they would of accepted the tire bid from TDS vs. Quality Tire. He said that TDS is in Millard County quite often and would offer excellent service to the county.

Commissioner Smith explained that the county only bids the tires out as a courtesy to local businesses. Commissioner Smith and Thayne Henrie, Road Supervisor, accepted Quality Tires bid. The County has tried different companies in the past and has been disappointed with the service it received from those companies. The county is happy with the bid it accepted because it knows it will receive the excellent care that it has received in the past. Commissioner Smith said that TDS could get with Thayne Henrie to test a few tires offered through them for future tire bids.

*This discussion in its entirety is on file for review at the clerk's office.*

#### DISCUSSION AND POSSIBLE APPROVAL ON UNIVERSITY OF UTAH SCHOLARSHIPS FOR ALCOHOLISM AND OTHER DRUG DEPENDENCIES SUMMER SCHOOL - GEORGIA HARE

Georgia Hare came before the Commissioners to request \$1,090 for four scholarships to the University of Utah (U of U) Summer School for Alcoholism and Other Drug Dependencies. U of U will match one half of each person's registration and Millard County will cover the other half of the registration. Mrs. Hare will recommend names to the board for consideration and the U of U will pick who they want.

Mrs. Hare shared with the Commissioners that she and Ron Hare are being honored with a Clyde and Marie Gooderham award.

Commissioner Walker made a motion to approve funding 50% of four U of U scholarships for alcohol and other drug dependancies summer school in the amount of \$1,090.00.

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

#### DISCUSSION AND POSSIBLE APPROVAL OF LEASING COUNTY PROPERTY FOR A PRIVATE BUSINESS - RANDY BRUNSON

Randy Brunson asked what the research found on the legalities of leasing county property to private businesses. Commissioner Smith said that under state law the county is allowed to lease property under its management practices. Commissioner Smith said that he is not in favor of leasing the indoor arena. He feels that it involves the county too much with private enterprise.

Commissioner Walker said the way she sees it, all the county property belongs to all the county residents making it harder to lease property to a private entity.

However, the county may be willing to sell the vacant property near the indoor arena to Mr. Brunson.

Mr. Brunson asked where the county stands with a "no compete policy"? Attorney Waddingham said that the Utah Supreme Court has previously addressed the issue of a city garbage pickup competing with private enterprise. The Court ruled in favor of the city by allowing the competition. However, that decision was many years ago and Attorney Waddingham does not know whether this issue has been revisited by the Court. Commissioner Smith said that the county tries not to compete with local businesses but in a few instances it is hard to avoid.

Mr. Brunson said that he feels that the indoor arena is not being utilized like it should be utilized, he would like to sell the concept of what Fillmore has to offer. The commissioners said that Kevin Morris has been helping to promote Millard County facilities.

#### DISCUSSION AND POSSIBLE APPROVAL OF THE INDIGENT CAPITAL DEFENSE FUND APPLICATION

Commissioner Smith has signed the application and is now waiting for the contract.

#### DISCUSSION AND POSSIBLE APPROVAL OF JURY ROOM EXIT DOOR BIDS

There were three bids submitted for the jury room exit door. The county accepted the bid submitted by Pahvant Builders which was the lowest of the three bids. Attorney Waddingham drew up a draft contract for the project. He said that if the county waives the payment and performance bonds, which it often times does on small projects, the county will need to get lien waivers from

material suppliers. Also, an indemnification clause and a two year warranty on materials, parts and labor were put in the contract.

The state law requires that all individuals and companies doing business with the county must verify the employment status of new employees. This means that the contractor has to agree that he is registered and participates in the status verification system which is an electronic system that is operated by the federal government that verifies the citizenship of new employees. If this is not done, they are not allowed to contract with the county to provide services. Any subcontractors of the main contractor must also verify compliance with this law. State law recognizes other available options to comply with such employee verification.

Commissioner Walker made a motion to award Pahvant Builders the bid for the jury room exit door in the amount of \$5,920.

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

APPROVAL OF ORDINANCE 10-04-06, AN ORDINANCE OF MILLARD COUNTY AMENDING THE OFFICIAL MILLARD COUNTY ZONING MAP FOR PROPERTY LOCATED ENTIRELY ON SITLA PROPERTY LOCATED SOUTH AND EAST OF THE INTERMOUNTAIN POWER SERVICE CORPORATION, AT THE INTERSECTION OF BRUSH WELLMAN HIGHWAY AND THE JONES ROAD, APPROXIMATELY 10 MILES NORTH OF DELTA, AND MORE PARTICULARLY DESCRIBED AS: TOWNSHIP 15 SOUTH, RANGE 6 WEST, SLB&M SECTION 19: E/2, SESW SECTION 30: TOWNSHIP 15 SOUTH, RANGE 7 WEST, SLB&M SECTION 24: LOTS 2, 4, 7, 8, SW, S/2 SE (COMPRISING THAT PORTION OF THE SECTION LOCATED SOUTH OF BRUSH HIGHWAY) SECTION 24: LOTS 3, 4, 6, 8, SWSW (COMPRISING THAT PORTION OF THE SECTION LOCATED SOUTH OF BRUSH HIGHWAY) SECTION 25: ALL SECTION 26: ALL 2,702.09 ACRES TOTAL.

Commissioner Walker made a motion to approve Ordinance 10-04-06, an Ordinance of Millard County amending the official Millard County zoning map to reclassify certain properties from Agriculture 20 acres to Heavy Industry.

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

RATIFY THE MOTION TO RENEW THE CLEANING CONTRACT FOR THE ROAD DEPARTMENT

Commissioner Walker made a motion to ratify the approval of the cleaning contract for the Millard County Road Department.

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

Attorney Waddingham asked if the workmen's compensation and insurance is covered in the contract? Commissioner Smith said that he will check to make sure. \*\*Need copy\*\*

FILLING OF DISCLOSURE STATEMENTS



Disclosure Statements were submitted from the following employees:

James Bruce Dean  
Clayton Jeffery  
Ben McDonald  
Linda Gillmor  
Bruce Anderson

Commissioner Whatcott made a motion to recess for lunch.

Commissioner Walker SECONDED the motion. The voting was unanimous and the motion carried. The meeting recessed at 12:24 p.m..

#### NOON LUNCH BREAK

Commissioner Whatcott made a motion to reconvene the meeting.

Commissioner Walker SECONDED the motion. The voting was unanimous and the motion carried. The meeting reconvened at 1:52 p.m..

#### PUBLIC INPUT

There was none.

#### DISCUSSION AND POSSIBLE APPROVAL OF MILLARD COUNTY'S PURCHASING POLICY

Commissioner Whatcott said that they have been going through the process of contract bids and he thinks that it would be better to have a generic form that would fit all bids. He knows that this would be hard for all bids but would be helpful for most.

Commissioner Walker said that whoever advertises bids needs to be more informative and more specific as to the bid description.

The commissioners went over the articles in the Millard County Purchasing Policy. The bid information needs to be run in the newspaper and submitted to the county auditor's office. The language of the bids would need to be reviewed by the county attorney and the cut off date would need to be reviewed by the county auditor as she is the county's purchasing agent and is responsible for collecting the bids. The county has the right to refuse any and all bids and this should be advertised in the bid request. The commissioners will schedule a work meeting for all elected officials and department heads to review the purchasing policy.

#### REVIEW AND POSSIBLE APPROVAL OF A CONTRACT BETWEEN THE AUTOMATED GEOGRAPHIC REFERENCE CENTER (AGRC) AND MILLARD COUNTY FOR A GRANT FOR SURVEYING CORNERS AND UPGRADING COMPUTER SYSTEMS - RECORDER CONNIE HANSEN

Connie Hansen, County Recorder, presented the AGRC contract for the Commission Chair

to sign. The contract is for \$27,200 which is about \$20,000 more than what was received last year.

Commissioner Whatcott made a motion to approve the contract between the AGRC and Millard County for a grant for surveying corners and upgrading computer systems.

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

#### APPROVAL OF MARCH 16, 2010 COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held March 16, 2010 were presented for consideration and approval. Following review and consideration of minor corrections Commissioner Walker made a motion to approve the minutes of March 16, 2010, as corrected.

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

#### DISCUSSIONS FROM EACH COMMISSIONER, COUNTY ATTORNEY, ELECTED OFFICIAL AND SECRETARY

On March 25, Commissioner Whatcott attended the Utah Association of Counties Legislative rap-up. They talked about the past legislation session.

On March 30 and 31, he attended Board of Equalization at the Fillmore Court House. He met with people from the State Tax Commission and reviewed protested property taxes.

On April 1, Commissioners Whatcott and Smith met with Congressman Chaffetz, Dell Smith, his Deputy Director, Wade Gerrett, who is in charge of Rural Public Lands and Agriculture, and Fred Ferguson and Justin Harding, staff assistants. Deputy Director Smith and Mr. Gerrett work out of the congressmen's Utah County Office. Mr. Ferguson and Mr. Harding work out of the Washington D.C. Office. They met at the county offices in Delta where they discussed issues concerning Millard County, i.e. electrical infrastructure, economics of the county, and concerns dealing with centrally assessed properties.

A tour of the Nye Dairy Northwest of Delta had been prearranged. Maria Nye and her husband conducted the tour. Congressman Chaffetz was schooled on the diversity and challenges that dairymen face.

On Monday April 5, Commissioner Whatcott met again with Fred Ferguson, Dell Smith and Wade Garrett. They traveled to the west desert and reviewed the areas that the Southern Utah Wilderness Society (SUWA) and the Wilderness Society is proposing to be put into a protected status. They appreciated the chance to see the actual public lands property that is in question.

They then drove to Eskdale where they met with Dave Sturlin and talked about property that affects the future farming and dairy operation of Eskdale. Congressman Chaffetz's office will be working with the leadership of Eskdale on resolution to the issues.

They then traveled to the U-Dig Trilobite site. Fred Ferguson was interested in this operation because it was part of an Omnibus bill of 128 other bills that passed in March 2009. It was called the Preservation of Paleontology Resources Act. It is unclear right now how it affects the U-Dig

operation. Congressman Chaffetz's office is aware of what this would do to these types of private operations. Future bills introduced could impact it.

On Monday evening Commissioner Whatcott attended the Millard Sheriff's Posse meeting.

Just a reminder that Barsoom Pictures Inc., is planning on filming parts of a movie (John Carter of Mars) on about April 19. They will start positioning equipment in April and May. The filming will take place on SITLA and some BLM property to which they have been granted permission. The actual filming will last for about six days.

Commissioner Walker said that she attended a Central Utah Mental Health meeting in Richfield, Utah. The Miss Millard pageant recognized Commissioner Walker as the honorary Miss Millard of 2010 due to the contribution that she has made to Millard County. It was a humbling and touching experience.

The BLM Fillmore Field office was doing a filmed documentary on the herd management of wild horses in the west desert. Commissioners Walker and Smith both spoke on range management.

Commissioner Smith reported that he attended the State Tax Commission hearing on March 31. Two out of the four State Tax Commissioners were in attendance. They complimented Assessor Pat Manis for the job he has done on participating in the hearing with only a month's notice and with no formal training.

Commissioner Smith attended the UAC legislative conference rap-up along with Commissioner Whatcott and Auditor Grace. They went through all the bills that will have an affect on counties, the main one being the retirement bill that was passed. They gave a summary of the changes to the bill and how they will affect the county. Accordingly, they will proceed under the new state statute.

Commissioner Smith also attended the Road Department Safety meeting this morning.

County Attorney Waddingham and Mark Ward have been working on filing protests on the Southern Nevada Water Authority change applications in Snake Valley and in Spring Valley which Commissioner Smith will sign and submit this week.

## OTHER BUSINESS

Commissioner Smith said that Jason King, acting State Nevada Engineer, sent him a request for a status conference pursuant to pending their new water application dates. The Commissioners and Mark Ward will probably participate in the status conference the last week of April.

## AUDITOR'S REPORT

Auditor Brandy Grace presented the check edits from April 5, 2010 for the Commissioners

to review and sign.

#### POSSIBLE APPROVAL OF HARDSHIP ABATEMENT APPLICATIONS

Auditor Grace presented a request for consideration to avoid final tax sale proceedings on Parcel number F-478 for Raymond Muller. Mr. Mueller owes taxes from 2005-2009 and the property is on the tax sale right now. The practice that has been done in the past is if he pays half the amount owed prior to the tax sale, the property would be removed from the tax sale and a payment plan would be set up for the remaining balance to be paid in full before the next tax sale.

Commissioner Whatcott made a motion to accept 50% (\$2,000) of the amount owed prior to the tax sale with the understanding that he would become current by the end of the year with the remaining balance (\$2,190.55) to include penalties and interest.

Treasurer Hansen said the aspect of making it due by the end of the year is not an enforceable option based on the circumstances. The only enforcement the county does regarding payments is require the taxes to be paid before the next tax sale because that is when the county has the ability to enforce.

Commissioner Whatcott rescinded his motion.

Commissioner Whatcott made a motion to accept the partial payment of \$2,000 on the delinquent property tax for Raymond Muller/Lee Muller which will remove the property from the tax sale. If he pays the remaining \$2,190.55 no later than November 30, 2010 then the penalties and interest will be waived.

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

Commissioner Whatcott said that he would like to set a tentative time sooner than later for the Commission to meet and discuss the budget for next year given the present status with IPA. After the Commissioners meet they will meet with the department heads. The date was set for May 4, 2010.

#### POSSIBLE BOARD OF EQUALIZATION (BOE) DISCUSSION AND OR ACTION

There was none.

#### TREASURER'S REPORT

Treasure Hansen presented the report of the treasurer's collections for the month of March for the commission to review. This is the same report that the Treasurer does every month.

Treasurer Hansen said that the county received a \$50,000 payment from the West Millard

## Mosquito Abatement District.

Treasurer Hansen gave the commissioners a copy of the TC750 report. It is properly labeled as the "year end statement of taxes charged, collected and disbursed," for the year 2009 are completed. This report has all of the taxing entities in Millard County and shows what the values, charges, taxes and total collection were through the county treasurer's office for that year. The report is submitted by the treasurer's office to the State Tax Commission on the internet. Anyone who wants to view this report can do so by going to the State Tax Commission's website.

Treasurer Hansen received a letter from the Deputy Secretary of the Interior regarding mineral leases. He said that the information in the letter was articulated in the NACo magazine. He read a paragraph from that magazine which basically said that the county will no longer get mineral revenue sharing money from mineral management service for geothermal the rest of this year and may have to refund some if the payment received for the year 2009.

Treasurer Hansen said that Commissioner Smith gave him two envelopes which are believed to be executed copies of the IPA property tax agreement. Treasurer Hansen will make copies and distribute the copies accordingly.

Treasurer Hansen received an email from Mark Aingscough from the IPA offices in Murray which indicated that they were asked by the State Tax Commission what was happening with the agreements. The agreement from Millard County was signed and sent to IPA. Treasurer Hansen will make copies of the signature page and send to IPA. Commissioner Smith said that when he sent out the agreement he sent a letter asking that the original be sent to IPA and a copy back to Millard County. Treasurer Hansen will email Mark Aingscough informing him. Attorney Waddingham had given some input regarding the negotiations with IPA. However, he never saw the final agreement and was not asked to review the final agreement before it was signed. \*\*\*\*Need an original not a copy\*\*\*\*

Treasurer Hansen talked to Denny Lytle from the Tax Commission. He has had a chance to review the agreement and is moving forward with it.

Treasurer Hansen has a list of properties in Delta that are not being assessed a drainage assessment. He would like to discuss this with the Commissioners and Attorney Waddingham to decide the proper action that should be taken on these accounts.

Treasurer Hansen said that someone was going to contact Lloyd Jacoby regarding his property which is subject to the tax sale.

Treasurer Hansen said that anything relative to checking accounts, bank accounts and financial matters, whether it be revenues or expenditures, is supposed to be under the direction of the County Auditor and the County Treasurer.

Recently they received notice regarding the Recreation Department wanting to open an online account to accept payment. Apparently this has already been set up for the golf course. Treasurer Hansen said that county employees do not have the authority to receive funds or to expend funds in

the name of Millard County. It needs to go through the normal process through the Auditor's Office and the Treasurer's Office.

Later, Auditor Grace said that she spoke with Todd Mullen at the Golf Course regarding the account set up for receiving online payments. He informed her that there is no third party that accepts the payments but that an email is sent out to Mr. Mullen whenever something is being paid for online. He runs the transaction at the golf course through the golf course's current account.

The Commissioners, Auditor Grace and Treasurer Hansen discussed the 2010 tax sale properties.

OTHER

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

There was none.

WHERE UPON THE MEETING ADJOURNED

Commissioner Walker made a motion to adjourn the meeting.

Commissioner Whatcott SECONDED the motion. The voting was unanimous and the meeting adjourned at 4:35 p.m..

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

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