

MINUTES OF BOARD OF COUNTY COMMISSIONERS  
MILLARD COUNTY THE 15th DAY OF JUNE 2010  
AT THE COURTHOUSE, FILLMORE, UTAH

PRESENT: Daron P. Smith..... Chairperson  
Bart A. Whatcott..... Commissioner  
Craig Greathouse..... Commissioner

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

ALSO PRESENT: John Pelczar..... First Wind  
Hannah Hones..... Chronicle Progress  
Sheryl Dekker..... County Planner  
Deb Greathouse..... Delta City  
John Hansen..... County Treasurer  
Raymon G. Prows..... Kanosh Town  
Christie Tolbert..... Hinckley Town Mayor  
Eugene Larsen..... Fillmore City Mayor  
Lisa Crosland..... Fillmore City  
Lynette Madsen..... Meadow Town Mayor  
Michael Staheli..... Oak City Mayor  
Deb Haveron..... County Tourism  
Haze Locke..... Sheriff's Associate  
Mark Ewart..... County Sheriff's Office  
Cheryl Ewart..... Citizen  
Robert Dekker..... County Sheriff  
Marlow Cropper..... Citizen  
Aaron Gibson..... Rocky Mountain Power  
Rich Woodworth..... Rocky Mountain Power

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

#### SWEARING IN OF CRAIG GREATHOUSE AS THE INTERIM COUNTY COMMISSIONER

County Clerk Norma Brunson officially swore Craig Greathouse in as the Interim County Commissioner.

Commissioner Smith said that the commissioners appreciate Mr. Greathouse for his willingness to serve and are looking forward to working with him as a County Commissioner.

Commissioner Smith said that the commission will go back to following the same procedures and policy as to how commission meetings are conducted while having three commissioners appointed.

#### MILFORD WIND CORRIDOR, LLC PROJECT PROGRESS AND CONSTRUCTION

John Pelcezar, Construction Manager, reported the following:

- Material is still being delivered. Rebar, anchor polls and padmount transformer boxes are on site.
- The intent is to break ground the middle or end of July.
- There are 68 total units for Phase II, 62 will be located in Millard County and 6 will be located in Beaver County.
- There are 97 generators and on a good day they bid out about 103% power.
- They are replacing the filters with much finer filters to help keep out more of the dust.
- Overall they are very pleased with the outcome.

#### RATIFY THE APPROVAL OF A PURCHASING CARD IN THE AMOUNT OF \$1000 FOR DARLENE SCOTT, USU EXTENSION

Commissioner Whatcott made a motion to ratify the approval of a purchasing card for 4-H purchases with a limit of \$1000 for Darlene Scott, USU Extension.

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

Commissioner Whatcott explained that Ms. Scott had been using her personal credit card to

purchase items for the 4-H. To avoid problems due to purchases over \$600 it is necessary for her to have a county issued purchasing card.

#### RATIFY THE SIGNING OF THE 2010 TAX SALE RECONCILIATION

Commissioner Whatcott made a motion to ratify the signing of the 2010 tax sale reconciliation.

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

Commissioner Smith explained to Commissioner Greathouse what the tax sale reconciliation was and why it needed to be ratified.

#### POSSIBLE APPROVAL OF A BUSINESS LICENSE FOR FIRESTORM PYROTECHNICS, INC - OWNER STEVE SHRIBER

Firestorm Pyrotechnics, Inc., through owner Steve Shriber, submitted a business license application for a fireworks importer/wholesale and storage business. After a review of the business license application and finding all the signatures in order, Commissioner Whatcott made a motion to approve the business license for Firestorm Pyrotechnics, Inc..

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

#### DISCUSSION AND POSSIBLE ADOPTION OF ORDINANCE NO. 10-06-15, AN ORDINANCE TO PLACE A MORATORIUM DEVELOPMENT ON HILLSIDES AND MOUNTAINOUS AREAS FOR SIX MONTHS UNTIL A LAND USE ORDINANCE IS ENACTED TO ADDRESS THE HISTORIC WATER FLOWS AND SOURCE PROTECTION AREAS

Sheryl Dekker, County Planner, presented a letter to the commissioners similar to the email received from Fillmore City requesting the moratorium. She stated that the Planning Commission has given a favorable recommendation.

Attorney Waddingham read the draft ordinance and stated changes that he would like made to the draft ordinance which was prepared by Bruce Parker, County Planning Consultant.

Mayors and representatives from the cities and towns of Millard County expressed their questions, concerns and opinions with the moratorium development. Lisa Crosland, Fillmore City Planning and Zoning Administrator, explained the reason Fillmore City is asking for the moratorium.

Attorney Waddingham stated that the county wanted to have the ordinance in place to cover more than what Fillmore City was asking. Ms. Dekker asked that when this is discussed again if the wild land fire interface could be added into the ordinance.

After discussion, the commission decided to table this item until the next commission meeting.

#### SHERIFF DEKKER TO PRESENT AN AWARD TO DEPUTY EWART

Sheriff Dekker introduced Haze Locke, Utah Sheriff's Association's lead jail inspector. Mr. Locke gave a brief description of his position with Millard County.

Sheriff Dekker said that Deputy Mark Ewart was borrowed from Weber County to work a ten month assignment in Millard County three years ago to fill a temporary position while some deputies were out on military leave. He has remained with Millard County ever since.

Sheriff Dekker said that he has appreciated the work and improvements to the jail inspection process that Deputy Ewart has done for Millard County.

Sheriff Dekker presented Deputy Ewart with an award from the Utah Sheriff's Association and the Jail Inspection Program to say thanks for Deputy Ewart's time, effort and talent, as well as the improvements he has made to the jail inspection process.

#### POSSIBLE APPROVAL OF AN AGREEMENT BETWEEN MILLARD COUNTY AND SPORTSITE

Commissioner Smith said that he and Commissioner Whatcott had a conference call with Carl Thurgood from Sportsite. Sportsite was going to work on the contract and get it to the commissioners. As of this point the county has not received a contract from Sportsite for the county to sign.

This item was tabled until the contract is received.

#### DISCUSSION AND POSSIBLE APPROVAL OF FUNDING FOR REPRINTING TOURISM BROCHURES - DEB HAVERON

Deb Haveron, Millard County Tourism, handed out information in which she is requesting funding to print more tourism brochures. The Tourism board originally had 20,000 brochures printed but didn't take into consideration that all the old brochures were being replaced. There are now only 1,200 brochures left in stock with 1,800 already promised to two upcoming events.

There is no funding available in the tourism's budget to print anymore brochures. Ms. Haveron is asking the commission to fund the printing of 20,000 more brochures to guarantee the county will have enough brochures to distribute. The cost is \$.75 per brochure if 20,000 are printed. If only 10,000 brochures are printed, the cost is \$.96 per brochure.

Ms. Haveron talked to Auditor Grace about possibly taking some of the cost out of the fund balance. The commissioners see that there is a need to print more brochures but don't want the entire cost to come out of the fund balance. Commissioner Whatcott suggested that Ms. Haveron talk to the Tourism Committee to see if there is a way to fund the brochures in Tourism's next year's budget.

The commissioners would like to go through the budget to see what the county would be able to fund.

This item will be brought back at the next commission meeting.

#### DISCUSSION AND POSSIBLE APPROVAL OF THE BOOKMOBILE CONTRACT FOR 2010-2011

Auditor Grace read a letter presented from the State of Utah for the State's Bookmobile contract which basically states that the new contract will be the same amount as the current contract.

Commissioner Whatcott made a motion to approve the bookmobile contract for 2010-2011. Commissioner Greathouse SECONDED the motion. The voting was unanimous and the motion carried.

#### POSSIBLE ADOPTION OF MILLARD COUNTY 2010 GENERAL TAX RATE

Commissioner Smith asked the auditor to put together some figures based on the current tax rate:

- Certified Tax Rate (.003383) is the amount of tax revenue that can be generated based on value and the amount of revenue received last year.
- Budgeted Tax Rate (.003374) is the amount of revenue that would be collected based on what was budgeted last year.
- Proposed Tax Rate (.003417) is the amount of what was budgeted plus any new growth allowed, due to redemptions.
- The state maximum tax rate is .0032 which Millard County currently exceeds. Therefore, it can only receive the same amount of income as it did the year before based on one of the tax rates the state sets for the county.
- The County's 2009 tax rate was .003278

Commissioner Whatcott gave some examples as to what taxes would be imposed by the county, not counting the other entities who have the ability to tax. Based on an average home value of \$160,000, the taxes would be as follows:

- On a Certified Tax Rate the taxes would be \$297.70.
- On a Proposed Tax Rate the taxes would be \$300.70.
- On a Budgeted Tax Rate the taxes would be \$296.91.

If the county were to accept the 2009 rate it will hold back the amount of budgeted revenue that the county would be able to collect in future years.

If a higher rate is picked it will give the leeway of being able to come down, but a lower rate would not allow the rate to go up. Once a rate is adopted you cannot exceed the current rate but you can reduce the rate up to the time the notices are sent out.

Commissioner Greathouse made a motion to table the adoption of the Millard County 2010 General Tax Rate until after lunch.

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

#### POSSIBLE ADOPTION OF LOCAL ASSESSING AND COLLECTING TAX RATE

Commissioner Smith said that the certified tax rate is .000225 based on the county's valuation. The certified tax rate is calculated to receive the same amount of money in assessing and

collecting as the previous year. The certified tax rate in 2009 was .000219.

Commissioner Greathouse made a motion to adopt the certified tax rate of .000225 as the local assessing and collecting tax rate.

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

#### OTHER BUSINESS

Commissioner Smith explained that every year the county renews its contract with the State of Utah Commission on Criminal and Juvenile Justice for a grant from the Utah Drug Task Force. This year's grant is in the amount of \$140,000. This grant helps with the operations of the program.

Commissioner Greathouse made a motion to approve the renewal of the State of Utah Commission on Criminal and Juvenile Justice contract for a grant in the amount of \$140,000.

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

Marlow Cropper asked the commissioners if they were aware of how the weed board handles noxious weeds. The commissioners explained to him the process of how the weed board works and what steps can be taken to take care of noxious weeds in the county.

Commissioner Greathouse said that the Chronicle puts all the minutes on its website, but there are a number of people who do not have access to a computer. He said that he would talk to the Chronicle to see if they would put the minutes in the paper in addition to the website.

Clerk Brunson said that if the Chronicle is unable to put the minutes in the paper she would be willing to release the minutes by request at no cost for now.

Attorney Waddingham presented the Law Enforcement Contract between Millard County and Fillmore City for the commissioners to review and sign. This contract had been discussed at a previous meeting.

Commissioner Whatcott made a motion to approve the signing of the Law Enforcement Contract between Millard County and Fillmore City.

Commissioner Greathouse SECONDED the motion the voting was unanimous and the motion carried.

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

June 3, Commissioner Whatcott attended a chamber meeting where they discussed the ATV Jamboree and what the funding brings to the local communities.

June 7, Commissioner Whatcott and Recorder Hansen had a conversation with a gentleman regarding trails running through his property. He was wanting to know if the trails are sanctioned

or if kids are just riding on his property.

Commissioner Whatcott visited with a representative from the M E Bird Center in Delta as well as the one in Fillmore. They spoke of the benefits of having an internet drop at both Delta and Fillmore Senior Citizen Centers.

The commissioners had a phone conference with Carl Thurgood regarding the Sportsite website. The website would allow sports activity participants to pay for the fees via credit card.

The commissioners had a meeting with BLM where they met the incoming district manager and assistant district manager and talked about some issues.

The Commissioners also met with Julie Mac and discussed the starting process of a land use bill for the west desert as well as the wilderness study areas (WSA). Wade Garret from Congressman Chaffetz's Office was also in attendance.

Commissioner Smith reported that he contacted Utah County, Beaver County, and the Goshute Tribe regarding their verbal commitment for their portion of funding the USGS water project. USGS is funding 40% of the cost on a four year water study and Millard County and other counties are funding the remaining 60%. Salt Lake County has committed funding \$10,000 towards this project.

Commissioner Smith attended the Salt Lake City council meeting on behalf of Utah Association of Counties (UAC).

Commissioner Smith said that he appreciated the turnout of attendance at the Rodeo which was held this last weekend.

Commissioner Smith received a letter from SITLA regarding a project which is taking place on SITLA property.

Commissioner Smith received notice that the Central Iron County Water Conservancy District Hearing is scheduled for July 14, 2010. Millard County has protested the water application because the water flows into Millard County and the Wah Wah.

He also received a proposed action letter from BLM on a forest service right-a-way between Marysvale Canyon and a site in Piute County.

#### APPROVAL OF JUNE 1, 2010 COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held June 1, 2010 were presented for consideration and approval. Following review and consideration of minor corrections Commissioner Whatcott made a motion to approve the minutes of June 1, 2010, as corrected.

Commissioner Smith stepped from the chair and SECONDED the motion. The voting was

unanimous and the motion carried.

Commissioner Greathouse made a motion to recess for lunch.

Commissioner Whatcott SECONDED the motion. The voting was unanimous and the motion carried. The meeting recessed at 12:13 p.m..

#### NOON LUNCH BREAK

Commissioner Whatcott made a motion to reconvene the meeting.

Commissioner Greathouse SECONDED the motion. The voting was unanimous and the motion carried. The meeting reconvened at 1:47 p.m..

The Commissioners went back to the discussion of adopting the Millard County 2010 general tax rate which was discussed earlier on the agenda.

Commissioner Whatcott made a motion to adopt the budgeted tax rate of .003374 as the Millard County 2010 general tax rate.

Commissioner Smith stepped from the chair and SECONDED the motion. The motion was passed by a majority vote. Commissioners Smith and Whatcott voted in favor of the motion and Commissioner Greathouse voted against the motion.

#### PUBLIC INPUT

There was none.

#### AUDITOR'S REPORT

Auditor Grace presented the check edit for June 14, and 15, 2010 for the commissioners to review and sign. The check edit for June 15, 2010 was for Millard County Tourism's postage bill at the post office.

Auditor Grace presented the first quarter 2010 centrally assessed litigation invoice from Utah Association of Counties (UAC) in the amount of \$2,925.62 which covers Millard County's percent of the centrally assessed litigation fees.

If Millard County wants the centrally assessed committee to address an issue it will have to cover 80% of the fee and the central assessed committee will cover the remaining 20%.

Auditor Grace informed the commission they would need to start considering retirement and 401K rates which will be effective July 1, 2010.

#### POSSIBLE APPROVAL OF HARDSHIP ABATEMENT APPLICATIONS

Auditor Grace presented a hardship abatement application for Wayne Theobold serial # B007550.

Commissioner Whatcott made a motion to abate 45% of Mr. Theobold's property taxes based



on the income guidelines.

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

Auditor Grace also presented a hardship abatement application for Bertha Jacobson serial # O-1424-1. Ms. Jacobson has received a circuit breaker in the past. Ms. Jacobson included her brothers income on the abatement application since he is listed as a joint tenant on the home, but claims that her brother does not help with any expenses.

After much discussion, Commissioner Whatcott made a motion to deny Ms. Jacobson's hardship abatement application based on the financial information she provided exceeds the allotted amount.

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

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

There was none.

#### TREASURER'S REPORT

There was none.

#### OTHER

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

There was none.

#### WORK MEETING WITH ROCKY MOUNTAIN POWER TO DISCUSS THE SIGURD TO RED BUTTE TRANSMISSION LINE

A work meeting was held to discuss the Sigurd to Red Butte Transmission line with Rocky Mountain Power. *A recording of the meeting in its entirety is available for review at the County Clerk's Office.*

#### WHERE UPON THE MEETING ADJOURNED

Commissioner Whatcott made a motion to adjourn the meeting.

Commissioner Greathouse SECONDED the motion. The voting was unanimous and the meeting adjourned at 3:09 p.m..

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

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