

MINUTES OF BOARD OF COUNTY COMMISSIONERS  
MILLARD COUNTY THE 19th DAY OF APRIL 2011  
AT THE COURTHOUSE, FILLMORE, UTAH

PRESENT: Bart A. Whatcott. . . . . Chairperson  
Daron P. Smith. . . . . Commissioner  
James I. Withers. . . . . Commissioner  
  
Richard Waddingham . . . . . County Attorney  
Norma Brunson . . . . . County Clerk  
Marki Rowley. . . . . Deputy County Clerk

ALSO PRESENT: John Pelczar . . . . . First Wind  
Linda Gillmor . . . . . Millard County  
Tiffany James . . . . . Magnum Gas Storage  
Bryan Pugh. . . . . Magnum Gas Storage  
Cindy Gubler. . . . . UNEV  
Brandon Bartholomew. . . . . Natural Impressions  
Brad Marshall . . . . . Brad Marshall Construction  
Cori Schena . . . . . Citizen  
Peter Greathouse . . . . . Citizen  
Greg Greathouse . . . . . Citizen  
Forrest Roper . . . . . County Sheriff's Office  
Paulette Staples . . . . . County Sheriff's Office  
Connie Hansen . . . . . County Recorder  
Brandy Grace . . . . . County Auditor  
John Hansen . . . . . County Treasurer  
Pat Manis . . . . . County Assessor

EXCUSED: Richard Waddingham (for the first part of the meeting) . . . . . County Attorney

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:

**PUBLIC WAS WELCOMED**

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

## OPENING STATEMENTS

Commissioner Whatcott asked if anyone had an opening statement to give. Commissioner Smith read a quote from, Sir Charles Barkley: “Always dress for the job you want, not the job you have.” Commissioner Withers said the invocation. Everyone stood and said the Pledge of Allegiance to the Flag. Commissioner Whatcott excused Attorney Waddingham for part of the meeting today.

## MILFORD WIND CONSTRUCTION AND PROGRESS UPDATE

John Pelczar reported the following:

- They have 63 turbines completely up. 51 of the 63 turbines are in commission and producing electricity.
- They should top out this weekend. They should have the last 5 turbines completely up and turned over for commission next week. They will have the last 12 turbines commissioned by next week.
- They are shooting for a commercial operation date the first week of May and should be 100% COD.
- They still have some road work and clean up work left to do.
- They are still pushing for Phase III.
- The last two bases will be delivered today and tomorrow.

## MAGNUM GAS STORAGE CONSTRUCTION AND PROGRESS UPDATE

Tiffany James reported the following:

- They are pushing the construction schedule back to June or July.
- They will have the certificate on May 17, 2011 as well as the FERC permit.
- They conditioned the alternative brine pond location to avoid some sensitive resources on the west side which introduced a set back in terms of engineering and design. The caverns will all be in the same place but the piping to get to the ponds will be reconfigured. They are working on getting FERC the implementation plan which presents the final engineering.
- They had a meeting with the Division of Water Rights and Water Quality who are both doing the construction authorization for the impoundments and later the discharge permit.
- They have received approval on the preliminary design. Now that they have the approval they are going to finalize FERC’s document and are hoping to move the construction start to June or July.
- They are wanting to get the kinks worked out with the engineering as soon as they have the visibility and the documents are in place. They plan to come back to the commission and the planning department to go over the layout changes and revise those designs.
- They are making progress; its just taking a little longer than they anticipated.

- They are working with AMEC on the alternative plan.
- Migratory birds will not be an issue if they start construction in July.
- They are trying to get things finalized so they will not have to keep coming back.
- They have configurations for the pond sites. They have done the final revision with Sam Quigley and will have the updated blueprints and maps by Friday.
- Acreage has not been increased by going with the alternative.
- They have used local contractors up to this point except for the drillers and will give local contractors the opportunity to bid on the continuing projects.
- The RFP tentative date has not been set yet but they will update the commission with that information as soon as possible.

#### RATIFY THE APPROVAL TO INCREASE THE COMMISSIONERS' CREDIT CARD LIMIT

Commissioner Whatcott explained why the commissioners need the increase.

Commissioner Smith made a motion to ratify the approval to increase the commissioners' credit card limit to \$5,000.

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

#### POSSIBLE APPOINTMENT OF A WEED BOARD MEMBER

Commissioner Smith made a motion to table the appointment of a weed board member.

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

#### DISCUSSION AND POSSIBLE APPROVAL OF A BUSINESS LICENSE FOR AOK BUILDERS INC. - OWNER ANDY LANCE

A business license application was presented for AOK Builders Inc. - Owner Andy Lance. After review of the business license application and finding all the signatures in order, Commissioner Smith made a motion to approve the business license for AOK Builders Inc. - Owner Andy Lance.

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

#### DISCUSSION AND POSSIBLE APPROVAL OF A BUSINESS LICENSE FOR MT. MORIAH STONE QUARRIES - OWNER CLAY IVERSON

A business license application was presented for Mt. Moriah Stone Quarries - Owner Clay Iverson. After review of the business license application and finding all the signatures in order, Commissioner Withers made a motion to approve the business license for Mt. Moriah Stone Quarries - Owner Clay Iverson.

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

## OPENING OF SEALED BIDS FOR CEMENT WORK AND MINOR CARPENTRY WORK NEEDED FOR THE MILLARD COUNTY COURTHOUSE

The following bids were opened:

- Brad Marshall Construction Concrete bid: \$107,000.00
- Natural Impressions Concrete Bid: \$39,980.00
- Pahvant Builders Concrete bid: \$33,375.00
- G&G Excavation Concrete bid: \$56,336.48
  
- Natural Impressions Carpentry bid: \$2,580.00
- Pahvant Builders Carpentry bid: \$5,820.00

Commissioner Smith made a motion to accept the bids as opened and to review the bids with Klint Penney, East Millard Maintenance Supervisor.

Commissioner Withers SECONDED the motion. The voting was unanimous and the motion carried. \*\*\*Need copy of the bids\*\*\*\*

Commissioner Smith said that the commissioners would need to review the budget and will make a decision by Friday. They will inform the contractors, who submitted a bid, of their decision.

## UNEV CONSTRUCTION AND PROGRESS UPDATE

Cindy Gubler reported the following:

- The project is going well.
- They finished boring under the Sevier River.
- They have finished the seven mile stretch to the south of the Sevier River.
- The crews are cleaning up the mats and the area.
- They did get approval to start on spread four from the BLM to move further south, but they will not start that until Monday.
- They will be around for a few more weeks.
- The crews will be around for a while doing work on other spreads.
- The re-seeding has not started yet.
- They will be doing drill seeding and dealing with the noxious weed areas until they are released by the BLM.

## CONVENE AS A BOARD OF ADJUSTMENT

### DISCUSSION AND POSSIBLE DECISION FOLLOWING A PUBLIC HEARING HELD ON APRIL 5, 2011 REGARDING AN APPLICATION REQUESTING A 7' VARIANCE ON THE SIDE SETBACK IN A RESIDENTIAL (R) ZONE FOR THE PURPOSE OF ADDING A GARAGE ONTO AN EXISTING HOME

Commissioner Withers made a motion to enter into a board of adjustment to discuss the

variance application submitted by Boyd and Cori Schena.

Commissioner Smith **SECONDED** the motion. The voting was unanimous and the motion carried. The board of adjustment convened at 10:47 a.m..

A public hearing was held on April 5, 2011 regarding an application submitted by Boyd and Cori Schena requesting a 7' variance on the side setback in a residential (R) zone for the purpose of adding a garage onto their existing home. Commissioner Smith said that a decision needs to be made regarding that variance. The commissioners went through the process of the county code regarding variances. Commissioner Smith explained the requirements for obtaining a variance.

During the public hearing Sheryl Dekker, County Planner, and Boyd and Cori Schena presented information. There was opportunity for anyone wanting to oppose the variance to come and voice their concerns. There were no opposing comments made at the public hearing.

Commissioner Withers read a letter that was received by Margaret Ann K. Ward, who is the adjacent property owner, stating that she is in support of the variance being issued to the Schenas. Also, Commissioner Withers stated that Ed Lyman, who is another property owner adjacent to the Schenas, expressed to him that he is also in support of the variance being issued to the Schenas.

Commissioner Smith said that the variance will allow the Schenas to build closer to the property line than the setback originally allows. It will not substantially affect the county's general plan and will not be contrary to the public health safety and welfare of those interested.

Commissioner Whatcott said that there were no objections for the variance at the public hearing. It has been discussed that there is no issue of emergency responders gaining access to the back side of the home or to the surrounding homes.

Commissioner Withers made a motion to grant variance # Z-2011-007 for Boyd and Cori Schena, with the condition that construction commence within six months.

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

Commissioner Smith made a motion to go out of the board adjustment.

Commissioner Withers **SECONDED** the motion. The voting was unanimous and the motion carried. The board of adjustment adjourned at 10:58 a.m..

The regular meeting reconvened.

#### **POSSIBLE SIGNING OF THE CUSTODIAL AGREEMENT BETWEEN MILLARD COUNTY AND THE DIVISION OF FORESTRY, FIRE AND STATE LANDS -FORREST ROPER**

Commissioner Smith made a motion to sign the Custodial Agreement between Millard County and the Division of Forestry, Fire and State Lands.

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

#### **OTHER BUSINESS**

Commissioner Smith said that Senator Dennis Stowell recently passed away. Senator Stowell served as a county commissioner for a number of years and was the Mayor of Parowan for many years before that. He was a great man that gave a lot of public service to his community, counties and the State Government. He was an honorable man and tried to do everything he could for the benefit of the State of Utah. He represented the state very well. The commission would like to send a letter to Senator Stowell's family expressing their sympathy and appreciation of his service.

Commissioner Whatcott said that Senator Stowell was one of the fighting forces to help keep the State House Museum open. He said that we have lost a good individual in our system.

PUBLIC HEARING FOR THE PURPOSE OF RECEIVING PUBLIC COMMENT ON PROPOSED AMENDMENTS TO THE MILLARD COUNTY STEP AND GRADE POLICY REGARDING SALARIES AND WAGES FOR PART-TIME EMPLOYEES, SEASONAL EMPLOYEES, ELECTED OFFICIALS AND THEIR CHIEF DEPUTIES

Commissioner Smith made a motion to enter into a public hearing for the purpose of receiving public comment on proposed amendments to the Millard County Step and Grade Policy regarding salaries and wages for part-time employees, seasonal employees, elected officials and their chief deputies.

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

Present were: Forrest Roper, Paulette Staples, Richard Beckstrand, Brandy Grace, John Hansen, Linda Gilmor, Connie Hansen, Pat Manis, Greg Greathouse, and Peter Greathouse.

Commissioner Whatcott called the public hearing to order at 11:17 a.m..

Commissioner Smith explained the background of the proposal. A couple of years ago the county hired a consultant to create a step and grade plan for all county employees. This plan listed the job description and pay scale for each employee. Two years ago part of that process was completed with the notion that the rest of it would be completed in 2011, by addressing the part-time employees, seasonal employees, elected officials and their chief deputies.

The county has been working on the step and grade for a while now. The process that they are completing will compare Millard County to the surrounding counties.

Commissioner Smith explained that state statute states that whenever the elected officials salary will be affected it should be advertised for a public hearing. This public hearing was advertised in the Chronicle Progress April 6, 2011, making the public aware of what the county is doing and inviting them to make comment.

Commissioner Smith and Auditor Grace presented a slide show presentation which explained what the county's intentions are with the step and grade scale. Commissioner Smith explained the current step and grade scale. He said once the new program is made they will come up with what they call steps. They will have a starting salary and an hourly salary. The step increases only occur in the months of January and July due to budget issues.

Paulette Staples questioned the pay difference for part-time vs full-time employees. It was explained that full-time employees work enough hours to receive a six month increase and the part-

time employees do not.

Treasurer Hansen said that increases for the elected officials are not built in. It is something that the commission would look at as a legislative body on a periodical basis and make a determination as to what those salaries will be.

Greg Greathouse said that he knows the elected officials work hard for the county, but he is talking from the tax payer perspective in an economy that is not a great economy. He said that taxes have already increased dramatically the past few years. He said in looking at the pay grade scale presented, it seems that inflation and increases are built into it.

He said Sanpete County and Sevier County are the closest surrounding counties and have a greater population than Millard County. He said when considering possible pay increases he wouldn't compare to other counties but instead would look at the Millard County citizens pay rate. Also, consider the pay in benefits and retirement the elected officials receive and realize that a lot of the tax payers would love to have that compensation package.

Mr. Greathouse gave examples of tax payers who do not get paid close to what the pay of the elected officials get. He continued to say the county is on a budget that needs to be held in check, not increased. Increases should have better timing so the tax payers are aware of what they are voting for. He just does not think that this is the time for salary increases.

Peter Greathouse said that he thinks that a step and grade policy for the regular county employees is a good thing. It lets the county employees know what the compensation package will be now and in the future. But he personally does not think that the elected officials should be included in a step and grade scale. The citizens need to know what the compensation package for elected officials will be when they vote. It should not change in the years of the term, it should be adjusted at the beginning of the term not part way through.

One way to consider a pay increase is to do it on a per capita basis by asking how much the officials are getting paid per citizen in the county they are representing. You cannot go by what other counties are getting. They may have a lot more work because there are a lot more citizens.

As chairman of the Millard County Republican Party, Peter Greathouse said that the Republican Party stands for fiscal conservatism. The county needs to be responsible with the funds and make sure that those funds are accounted for and that the citizens know how those funds are being spent.

Mr. Greathouse said when you are elected you know what you are getting when you sign up to run. If you do not like it feel free to resign and find another job. There shouldn't be automatic increases to the elected officials pay. State legislators are paid on a per diem basis. They only get paid when they are in session. Legislators only get a little over \$100.00 a day for those days they are in session.

Assessor Pat Manis questioned the pay at 95% of the salary until the elected official is certified.

Auditor Brandy Grace said that this has not been done intentionally after an election cycle.

The idea behind the county step and grade plan initially included the chief deputies and the idea of how that would relate to the elected officials. They were later taken off. Those were positions that were considered in the initial adoption of the step and grade that took place two years ago. At that time there was a lot of discussion about elected officials and chief deputies and the upcoming election and being fair to the citizens. This was addressed prior to the election, but was put off to complete at a later time. It is unfortunate that it has taken two years to get to this. She feels that it would only be fair that the other employees be considered part of the plan and to keep in mind that this is only a plan, based on budget figures and the economy and in one given year you may choose to fund it or not. This was not in anyway intended to happen following an election cycle.

Commissioner Smith said it is very difficult for the commission to come up with a plan that is fair and equitable and that provides a good value to the citizens. He likes the idea of having something that is concrete and is based on something other than politics. It gets very complicated; you can look and compare a lot of different things. There are so many differences. Most counties have administrators who make a good amount of money. In Millard County, the commissioners play the role of the administrators. The elected officials are responsible for the employees and service they provide.

Linda Gillmor said she agrees with the comments about being fair to the employees, the tax payers and the county itself and the efficiency of the county. She said that to her this is along the same lines of creating a benchmark like what they had done with the other employees. She thought maybe a better way to clarify this is to include a job description with the criteria which she read.

She said that if the county officials were to go back to part-time employees again, the county would have to hire administrators which would cost a lot more money. The step and grade scale is very logical and over time will save the county money.

Commissioner Withers said that the clerk and the auditor do other things besides being the clerk and auditor. Most counties they have talked to have a personnel director. Having the Auditor take care of this responsibility saves the county a considerable amount of money. There is value in these positions based on the fact that they are doing jobs that would require hiring someone else which would cost the county additional salaries and benefits. It is difficult to try to decide which direction to go to make it fair for the tax payers and the county employees.

Greg Greathouse said that when they go out and compare salaries to other counties it is self perpetuating and may cause those other counties to raise their salaries due to Millard County raising its salaries.

Commissioner Smith said that every year during the budget process they look at every salary and the step and grade plan to decide if there is sufficient revenue to fund the plan. The county looked at the step and grade scale four years ago and completed part of it two years ago. Every year the commission uses its judgement. The elected officials and county employees have not been given a cost of living adjustment (COLA) in a number of years. The commission has the ability to decide whether to fund the increases every year or not. The commissioners are responsible to the tax payers and to the employees to provide service. The county has great people working for it and needs to



have a compatible compensation package for those employees.

Greg Greathouse said that when talking about the economy as a whole, he would say that it is improving. However, yesterday, the United States debt rating was cut for the first time he could ever remember, which will put a lot more pressure on the economy. This is not the kind of recovery that we have had in other years. A lot of economists use the term “jobless recovery” and he feels that we are in the same kind of situation.

Assessor Manis voiced his concerns on the 95% salary for his position. He said that some people might consider it a savings to have the current official who makes 100% salary to be voted out of office and elect an official who will only make 95% salary to save money, regardless of how well the current official does his/her job.

Commissioner Withers said that in his opinion, from a business owner’s standpoint, he would offer raises to those people who work hard at their job and earn it.

Attorney Waddingham said that he supports the current step and grade for the employees and for seasonal and part time employees but he personally does not support the step and grade for elected officials based on a biennial review. Elected officials may deserve a raise, however, he does not think that it should be automatically reviewed every two years. In his opinion, not all elected officials are going to be entitled to a salary increase at the same time. The statute is clear that elected officials who are subject to salary changes must have a public hearing. It has been a long time since the elected officials received a raise. When that time comes, the commissioners can decide and call for a public hearing to determine whether a salary increase is warranted. Attorney Waddingham, philosophically, is personally opposed to an increase. Elected officials have an avenue available under state law in which to seek salary increases and he does not support the step and grade as presented. He feels that the county commissioners do deserve a raise. He sees the tremendous amount of time they spend representing the county.

There were no other comments made.

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

Commissioner Smith SECONDED the motion. The voting was unanimous and the motion carried. The public hearing closed at 12:22 p.m..

The regular meeting reconvened.

**DISCUSSION AND POSSIBLE ADOPTION OF A RESOLUTION AMENDING THE COUNTY STEP AND GRADE POLICY TO INCLUDE ELECTED OFFICIALS AND THEIR CHIEF DEPUTIES, PART-TIME EMPLOYEES AND SEASONAL EMPLOYEES AND TO INCLUDE POSSIBLE SALARY CHANGES FOR ELECTED OFFICIALS AND THEIR CHIEF DEPUTIES, PART-TIME EMPLOYEES AND SEASONAL EMPLOYEES**

Commissioner Smith made a motion to adopt Resolution 11-04-19, a resolution of the

Millard County Commission amending the Millard County policies and procedures manual by adopting a new Millard County Step and Grade Plan to include elected officials and their chief deputies, part-time employees and seasonal employees. As part of the resolution, attached is Exhibit A, a step program for part-time county employees; Exhibit B, the grades assigned to those positions; and Exhibit C, adopting the comparison of other counties elected officials' salaries and giving chief deputies 75% of that value. With regards to funding, they would evaluate the cost of it based on the changes of those values.

Commissioner Withers SECONDED the motion.

In considering salary increases for commissioners, Commissioner Whatcott said that he did not run for this office for the money, he did not know what the job paid until about a month before he was voted into office. He said that he would probably not support a salary increase across the board, as much as increasing the salary in increments based on terms served.

Commissioner Withers said that he agrees with the Greathouses' comments that when he signed up for the commission job he knew what the salary was. He said that in fairness to the public, how do they address this issue? It disturbs him that a congressman gets elected and then four months later he gives himself a raise. Commissioner Smith said by adopting a policy like this you can prevent that.

Commissioner Smith said that he has some problems with the way the policy was presented. He suggested that they take the survey amount and say that as a percentage the starting commissioner pay will be for the first year 80% of the survey amount, the second year 90% of the survey amount, and the fourth year 100% of the survey amount. So basically, the first term will determine what the commission will be paid and it will be left at that.

Commissioner Smith said that the reason for this possible increase is because the chief deputies and elected officials have not been looked at for over four years.

Treasurer Hansen said that he personally thinks that he has asked for a COLA for the last three or four years and was told that it was not available. He does not see this as a way of comparing everyone to see what it is and giving a raise to everyone. He said that if he had received a 2% COLA for the last three years alone it would have been more than the increase presented today. He thinks that he deserves to be looked at every couple of years, but he does not think that he should be looked at differently than any other elected official.

He said that they have looked at paying each elected official differently. That creates a bunch of problems by saying that one elected official is worth more than another. In order to make things work the best for all the employees of the county, lets be consistent with those people in that position.

Attorney Waddingham stated that there are certain factors or circumstances such as acquiring additional duties, that the commission may decide to consider in paying elected officials differently. That is exactly what they did today in considering some of the elected officials' positions.

Commissioner Withers said that in his mind an employee who has the experience and the time served does a better job.

Treasurer Hansen said that someone has to make the decision as to merit for the elected officials.

Step and grade encompasses a plan/schedule and the schedule for elected officials is the period of time to review them and encompasses all employees.

Assessor Manis said that he thinks that in what they are trying to do is trying to replace the job of the public in electing the official. The public has to be knowledgeable as to who they are electing and the type of job they are doing. They should be the one who decides if the elected official is doing the job and is justified for the wages they are paid. When you start differentiating between the elected officials you are interfering with the public decision. This is a decision that needs to be made via the polls.

Commissioner Withers said that the decision was made via the polls last November when the public voted in the current elected officials at the current salary. He does not support a raise for himself this early in his career. He feels that a raise this soon would be shoved back in the face of the public who voted him in.

Linda Gillmor said that she wondered if whatever decision was made should not take effect until the beginning of the next election term. That would give the public the opportunity to say yes or no.

Commissioner Smith made a motion to rescind his original motion.

Commissioner Withers rescinded his second and SECONDED Commissioner Smith's motion. The voting was unanimous and the motion carried.

Commissioner Smith made a motion to adopt Resolution 11-04-19 as read with attached Exhibits A, B, and C as presented in the hearing today using the average of the same counties that were surveyed for the employees step and grade schedule. The elected officials salaries' would be based on the average salary of the respective offices from the survey. The chief deputies salaries would be 75% of the respective elected official's salary. Also, considering compensating the auditor as the human resource director.

The motion died for the lack of a second motion.

Auditor Grace said that there is confusion between two separate issues; one is adopting the resolution which is a pay plan for all employees and the other is how much of an increase an employee gets. When the initial step and grade plan was adopted, Auditor Grace prepared a separate sheet which showed how the plan would affect the employees. From there, the commission made a decision on whether to fund those increases or not, or how to take care of those employees whose wages were frozen or otherwise indicated a decrease in wages.

There are two separate issues and they should focus on what the plan should be and what the language for the resolution should be and then separately address whether or not to implement the

pay increases, wait until July or keep them frozen.

Commissioner Withers said that he does not have a problem with the resolution. The problem he has is with amending the numbers without further discussion. He is not comfortable accepting this document as printed due to the concerns voiced today. He is okay with Exhibits A & B. He is not okay with Exhibit C.

Commissioner Smith made a motion to adopt Resolution 11-04-19, with Exhibits A and B as stated and to amend Exhibit C to include everything that is presented except for the county commission portion which will be amended using the averages of the surveyed counties salaries so that the starting position for a commissioner would be 80% of the survey amount the first year, 85% of the survey amount the second year, 90% of the survey amount the third year and 100% of the survey amount the fourth year. After the first term the commissioners would all be paid the same. The commission would evaluate the increase to see if the funding is there and would implement it at a future date after a review of the financial impact to the county. Also, to include the language that the evaluation will not be done every two years as indicated but will be done every four years during the budget process, preceding the election cycle.

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

Auditor Grace said that this is nothing new. This has been talked about several years ago and it was decided to hold off until the election cycle. The election cycle came and went so it has been pretty well addressed. The item in the proposal that the comparison be done every two years as a part of the budget process as a policy, pending the county's ability to fund it, should be changed to every four years and should take place in the year prior to the election cycle.

Treasurer Hansen questioned if it would be easier to contemplate looking at a COLA.

## TREASURER'S REPORT

Treasurer Hansen discussed the pending tax sale. He said that regarding Terri and Larry Smith, a while ago the decision was not to put their property on the tax sale list at that time but that it may be put back on this year. Mr. Smith is not living there and Ms. Smith is moving into the Delta Sands Apartments. Ms. Smith would like some time to try and sell the home to possibly get some equity out of it. They do not have the money to do anything with it this year.

Commissioner Withers made a motion to remove the home of Terry and Larry Smith from the tax sale and to send a certified letter informing the Smiths that they will have one year to bring the property taxes current.

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

Treasurer Hansen said that Richard Todd Tolley made a payment toward his property taxes, but the payment did not cover the entire amount owed. Treasurer Hansen found that the payment he sent in via check would not clear, so he sent the check back and informed Mr. Tolley that he

would have to send an official bank check. Both Treasurer Hansen and Auditor Grace have sent Mr. Tolley letters informing him of the fees he owes. The commission decided to leave Mr. Tolley's property on the tax sale list.

Treasurer Hansen received a \$420.00 payment from Kristine Sabey for property that is on the tax sale list. The amount owed for that property is around \$2,300.00. Ms. Sabey was told through Amber Nickel, County Office in Delta, that the entire amount was due and if it was not paid in full it would remain on the tax sale list. The commission decided to leave the property on the tax sell list.

Treasurer Hansen thanked the commission for the public hearing today and the opportunity to speak and have other people speak. He said that the political process is a pain in the neck but it is a good process.

#### AUDITOR'S REPORT

Auditor Grace presented the check edit of April 18, 2011 for the commissioners to review and sign.

#### POSSIBLE APPROVAL OF HARDSHIP ABATEMENT APPLICATIONS

Auditor Grace presented hardship abatements for Denise McCoy and Penney Young. The commissioners reviewed each hardship abatement application.

Commissioner Smith made a motion to abate 45% of Ms. McCoy's property taxes.

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

Commissioner Smith made a motion to abate 50% of Ms. Young's property taxes.

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

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

Assessor Manis said that there are three hearings scheduled with the state tax commission next week. He would like to suggest that Lake Enchantment property value be stipulated, due to the value being supported by several internet sales. He cannot justify the current values or defend those values at the hearing next week. In talking to other assessors, it was suggested to stipulate the property value so that it would not have to go before the tax commission. At the last BOE, a decision was made to leave the property value equal to the other property values in that area and to change those values this year, which he has done. However, that may cause a situation with the tax commission that causes the whole area to be changed which would be a huge disaster. If it is stipulated it would not even go before the tax commission. It would be a stipulation by the commissioners to go from \$500 an acre down to \$200 an acre. He has talked to the tax payer and

he is willing to stipulate to that amount.

Auditor Grace questioned if legally the tax commission can mandate an entire area be re-appraised if it did not come to appeal at the commission level.

Auditor Grace asked the commission to take a firm stand on that issue. She said that it affects any taxing entity who plans to collect on the value that has been set. For them to come in and re-evaluate an entire area after taxes have been collected will cause a big problem.

Commissioner Smith made a motion to stipulate the value of the Lake Enchantment property, parcel # 8475-B-3- 1, at \$200 an acre.

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

#### OTHER

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

There were none.

#### APPROVAL OF APRIL 5, 2011 COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held April 5, 2011 were presented for consideration and approval. Commissioner Smith made a motion to approve the minutes of April 5, 2011, as presented.

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

#### PUBLIC INPUT

There was none.

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

There was none.

#### **WORK MEETING TO DISCUSS DOCUMENT AND RECORD COPYING FEES**

A work meeting was held to discuss document and record copying fees.

#### WHERE UPON THE MEETING ADJOURNED

Commissioner Withers made a motion to adjourn the meeting.

Commissioner Smith SECONDED the motion. The voting was unanimous and the meeting adjourned at 1:50 p.m..

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

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