

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 20th DAY OF SEPTEMBER 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: Carl Camp Utah State Parks
Dean Draper Chronicle Progress
Lorraine Rupp Brubaker Construction
Denice Kitchen Hales Construction
Wayne Jackson American Legion
Jane Beckwith. Topaz Museum
Brandy Grace County Auditor
John Hansen County Treasurer
Connie Hansen County Recorder
East Millard Recreation. Jamie Orullian and
Jerry Brinkerhoff
Millard School District. David Styler,
Keith Griffiths, George Richardson, and Dennis Aldredge
Citizens. Melanie Fox, Kristine Camp,
Belinda Ashton, Emily Ashton, Riki Jo Rasmussen,, Rex Williams,
Tamara Engstrom, Ed Phillips, Leon Sylvester, Suezanna Sylvester, Jesse
Sylvester, Lynn Wall, Jason Despain, Wayne Brown, Liz Brown, Jesse
Ralphs, and Jessica Komarek

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

DISCUSSION AND APPRECIATION TO THE COUNTY FROM THE TERRITORIAL STATEHOUSE MUSEUM - CARL CAMP

Carl Camp, Territorial State House Museum Curator, thanked the county for its help with the youth camp and for the use of the pool. He said each person that comes to the camp is given an evaluation to fill out. He read a few of those comments, all of which were good comments about the pool and its staff.

Mr. Camp explained that this is a new program that is just starting. Since the fiscal year started in July, the youth camp has made the pool \$624.00. He said that the use of the pool is a very important part of the youth program and he appreciates the county letting them use it.

Mr. Camp informed the commission that the first year the youth camp had 20 attendants. This year there were 200 attendants and they are hoping to have an even bigger turn out next year.

They advertise on the State House Museum's website as well as on the brochure the county helped create, but mostly word of mouth promotes this camp.

People start signing up for the camp around December and January. They have limited staff so the camp can only host a maximum of 400 to 500 people.

He said that this year he has enough money for seasonal help and he is hoping that they can use some of the money from this camp to hire more help. The program charges \$30 per visitor. Some of that money goes into the program and the rest is revenue.

Commissioner Whatcott said that the commissioners are always willing to help in anyway. They will always support the Territorial Statehouse Museum.

Commissioner Smith said that he thinks that this is a positive program. With the legislature looking at the parks, this helps to keep the park open.

INTERIM SUCCESSORS

The Interim Successors for the Millard County Recorder's Office are as follows:

- Lynn Mansfield
- Star Cummings
- Deb Arnold

DISCUSSION AND POSSIBLE APPROVAL OF A BUSINESS LICENSE FOR MULLINS TRUCKING - OWNER RANDY MULLINS

A business license application was presented for a trucking business for Mullins Trucking - Owner Randy Mullins. After review of the application and finding all the signatures in order, Commissioner Withers made a motion to approve the business license for Mullins Trucking - Owner Randy Mullins.

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

carried.

DISCUSSION AND POSSIBLE APPROVAL OF A BUSINESS LICENSE FOR MOORE WORKS - OWNER JERRY W. MOORE

A business license application was presented for a wood working and wood crafts business for Moore Works - Owner Jerry W. Moore. After review of the application and finding all the signatures in order, Commissioner Smith made a motion to approve the business license for Moore Works - Owner Jerry W. Moore.

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

DISCUSSION AND POSSIBLE RENEWAL OF THE ELEVATOR CONTRACT

Commissioner Whatcott said that the commission secretary has made several phone calls trying to find the county the best deal for the elevator service. After contacting Otis Elevators and questioning the contract, they offered the county a renewal contract amount for \$5,496.00 a year for both the court house on main street and the public safety building. The old contract charged the county over \$6,500.00 a year for just the public safety building, not including the courthouse on main street.

Another company the secretary contacted was Thyssen Krupp. They offered an estimate of \$320.00 a month for their bronze program and \$460.00 for their Gold program. She also contacted the surrounding areas to see what they pay for elevator service. It was determined that the new price offered by Otis Elevators was the best deal for the county.

Commissioner Smith made a motion to renew the elevator contract with Otis Elevator Company for the new amount of \$229.00 per month for each building.

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

REVIEW AND POSSIBLE APPOINTMENT OF INDIVIDUALS TO SERVE ON THE ELK COMMITTEE

Commissioner Whatcott said that this committee is a group of individuals that are not just elk hunters but are ranchers, farmers and landowners that are specific to the Pahvant Range from I-70 to Scipio.

Commissioner Withers said that they contacted several individuals to serve on this committee but do not have a complete list.

Commissioner Withers made a motion to table the appointment of individuals to serve on the Elk Committee.

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

DISCUSSION TO AMEND THE EQUESTRIAN PARK POLICY

Commissioner Whatcott said that he started to rewrite the fees that were associated with the equestrian park policy. When the county started hosting the riding club meets, the county saw thousands of dollars in revenue come into the county. The county hosted the state, regional and district riding club meets in Fillmore.

Commissioner Whatcott explained what was changed in the policy, including, the times the facility could be used, the security deposit, the cleaning deposit and the rates. These changes were made after phone calls were made to surrounding areas.

Commissioner Whatcott said due to the revenue brought in from these meets the county was able to upgrade the sound system and the power at the equestrian park, which will benefit all who use the facility.

These changes would need to be adopted as a resolution. Once the resolution is adopted this will be on the county website. The commission suggested adopting these changes as a formal proposal and to hear public comment before it is adopted by resolution.

Commissioner Smith made a motion to adopt changes made to the equestrian policy as a formal proposal and to seek public comment.

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

DISCUSSION AND POSSIBLE ADOPTION OF ORDINANCE 11-09-20, AN ORDINANCE ALLOWING WAIVER OF PENALTIES AND INTEREST ON PERSONAL PROPERTY

Attorney Waddingham said that the possibility of waiving penalties and interest on personal property taxes for businesses came up at the last meeting. These specific waiver requests are not something that happens very often. He asked the commissioners to go through the six requirements stated in the ordinance to allow for a waiver or reduction of personal property taxes. He left the ordinance broad.

Attorney Waddingham then read the provisions in the ordinance.

Commissioner Smith said that this ordinance gives the commission the ability to work with businesses on circumstances concerning personal property.

Commissioner Smith made a motion to adopt Ordinance 11-09-20, an ordinance of Millard County Commission amending Title III of the Millard County Code by enacting a new chapter VI entitled "Personal Property Penalty Reduction".

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.

DISCUSSION REGARDING CONCERNS OVER THE EQUESTRIAN/SOCCER FIELD

Commissioner Whatcott said that there has always been some kind of contention with the soccer field/equestrian park. The maintenance was an issue and there were a lot of questions on who

was in charge down there. Commissioner Whatcott wanted to see it turned into a more revenue making part of the county. Jer'E Brinkerhoff was hired to be in charge of the equestrian park and he has brought in several events that have brought the county a good amount in revenue.

A lot of people are complaining that they are not getting equal time on the fields. There was a group that wanted to bring in what they called Mexican horse races. These events bring in revenue to the towns and in talking to businesses and vendors around town they have said that they have seen revenue due to these events. Some of the horse races were moved to Sunday to accommodate the use of the soccer field.

When Commissioner Whatcott looked into why the grassy area was developed it was mainly esthetics to make the facility look nice. Once the grassy area was established a number of people started swinging golf clubs on the field and then about 15 to 16 years ago the high school soccer and AYSO started playing on the field.

When contention started between the horse riders and the soccer players, Commissioner Whatcott asked Mr. Brinkerhoff to post the allowed times for the use of the horse track and the soccer field. Each were given 7 hours a day.

Commissioner Whatcott has received numerous phone calls in support of equestrian events and making sure that soccer players have full rights to the field. A group of people have told him that the county needs to build a field specifically for high school soccer. The county probably will not accommodate that request.

Commissioner Whatcott discussed what triggered this meeting. A soccer player had an asthma attack and it has been said that one of the entrances was blocked when the other entrance was opened. The ambulance went to the blocked entrance of the field which made it very hard to get to the girl. This could have made a serious situation even more serious.

Commissioner Whatcott contacted Mark Brady, UCIP Loss Control Manager. Mr. Brady sent a letter to the commission explaining that without adequate coverage he would not recommend the county allow the use of the fields until a hold harmless agreement can be in place between the school district and the county. He said that the school district should be covered by a state risk management and should have adequate coverage. Any agreement with the school district has to be reviewed by the state risk management. Without the agreement in place, the county is liable for anything that happens at the high school soccer games. Until that agreement is in place, UCIP suggests that the county not allow soccer games to be played at the equestrian park.

The county does have an agreement in place with the school district but is not specific on the release and hold harmless agreement which is what the insurance company is pushing for.

Attorney Waddingham said that it is standard in all of the policies that there be an indemnification clause. The commissioners need to go through the current policy and amend it so that they are in compliance with UCIP's directive. It is not going to be much more than an amendment to the Memorandum of Understanding, but it needs to be done as soon as possible.

Lynn Wall asked who provides the insurance for the state riding club. Jer'E Brinkerhoff said that they have their own policy. The Mexican Horse Races have their own policy through Farmer's Insurance and the policy names the county as an additional insured.

Stephanie Aleman said in talking about revenue that is brought in from horse races three times a year, she lives in this community and brings revenue in for the county every day.

She said that about ten years ago she and others tried to get a soccer field and were told by a city councilman, who is no longer in office, that they did not want them to use that park because they did not want tourists to come in and use the restrooms. She said that she feels like this is what the county is doing to them now.

She said that the county is just focusing on what it wants. She does not have anything against the horse people and she thinks that they should be able to share the equestrian park equally. She thinks that the county is pushing for the people who come in three times a year to have full access to what ever they want because of revenue and the people who live here do not matter.

Ed Phillips said he was on the insurance board for about 10 or 12 years. He said that they could cover tomorrow's soccer game with a simple little agreement.

Mr. Phillips said this thing has happened, as described by Commissioner Whatcott, over an evolutionary process and started as esthetics to clean up the fair grounds program which was nothing but a weed patch. It has evolved into something great and everyone should be proud of that.

Mr. Phillips said that they need to bite the bullet and get away from having the soccer fields at the equestrian park. The two just will not work.

Mr. Phillips said that the school district is more than willing to share acres and acres of property behind the elementary school. It is high time for the county to join up with the school district and possibly the city to make enough soccer fields to accommodate the soccer programs somewhere behind the high school baseball fields.

Mr. Phillips said that he knows that the policy of creating more and more facilities to maintain is an issue, but he sees that a dirt race track and a slow vehicle rock climbing structure was built over in Delta. He said that he knows that those things bring in people but the local use cannot be that big. For the money that it would cost to put in a couple acres of grass and the up keep is peanuts compared to the money that is being put in to some of the other programs in the county.

Mr. Phillips said that the youth is pretty important. He said to spare the horses and have a decent facility for these kids to play soccer. He has talked to enough people about this issue and a lot of those people are willing to make some sort of contribution whether it be in kind or donations to build a new soccer field. Then, to have the inmate crew mow the lawns would be nothing.

Mr. Phillips said he understands that there is a tremendous liability at the facility for multiple use. There is youth that go on the field in the evenings and there is a multitude of issues to address in trying to use the park as the facility it has grown into. He suggests that a soccer field be built and be ready for next fall.

George Richardson, Middle School Principal, asked why this is just now an issue and has not been in the past. He said that he thinks that this has not been an issue because we did a better job coordinating and scheduling events. He said that he can see the liabilities of having two or more events going on at the same time at the same facility. He thinks that a little common sense needs to be used in the scheduling process to not overlap events.

He said the county is now bringing more things in the county but are not scheduling those events separately. Everyone thinks that this is a facility issue but it is more of a management issue. The long term solution would be to build a new soccer field. The short term solution is to just

schedule the events better.

Commissioner Whatcott said that the county will work with the school district to resolve this issue.

Attorney Waddingham will work on an amendment to the agreement and have it ready as soon as possible.

Commissioner Whatcott said that Jamie Orullian has been working with AYSO on the possibility of having that organization be a county program which will help eliminate some of the problems.

The commission said that going forward, both gates on either side of the field will be open for the event that is going on.

It was questioned why the gates are closed for certain events and opened for others. Mr. Brinkerhoff said that his concern of having those gates open during soccer is a safety issue. If someone pulls across there in a car and a child is playing in the sand that car cannot see past the fence and could possibly hit a kid. He said that if they want the gate opened he will open it but he is just concerned for the safety of the kids playing.

The commissioners are also concerned with the safety of the kids playing in the dirt. Mr. Brinkerhoff suggested maybe putting a big red cone in the middle of the gates.

It was also discussed that when the ambulance came for the girl who had an asthma attack, the ambulance could have gone through the south gate. Communication could have played an issue in this case.

Commissioner Withers asked about the middle school field. Principal Richardson said that those fields are already being used by the little league football. The elementary fields are being used by flag football. The youth soccer used the middle school field last spring and it was not a problem.

There was talk about rolling the middle school field. Principal Richardson said that rolling the field is not the issue. The issue is the cost of moving the sprinkler boxes and recess the sprinkler heads to be able to roll the field. He was quoted \$6,000.00 to move and recess the sprinkler system and that price does not cover anything that is broken.

Principal Richardson said that somebody has to do a better job of planning and anticipating where these kids are going to go. It is a convenience for these kids to practice football on the middle school fields to be able to store their equipment and change in the changing rooms. These kids should not be walking down the street with the equipment to go somewhere else, and if so, where would they go.

Dennis Aldredge, High School Principal, asked if a field is magically built what will come of the youth? Are they going to be automatically forced out of those fields too? What about the insurance and liability issues there?

Principal Aldredge said it is not right what is taking place. The schools do not have much

green space and the city is asking that they cut back on watering. Now it is being suggested to add more green space. He said that when the grass was added to the fair grounds it was meant for recreation not just to make it nice and green for the horses.

Commissioner Whatcott said he appreciates all the comments made today and if this meeting has done anything, it has got us thinking about how we can work together. He thinks that this program can be made to work.

The equestrian park and soccer can have a good marriage here. He appreciates everyone coming in. These issues need to be worked through so that the people can be protected.

Principal Aldredge said that he wants it noted that the schools are not trying to mooch off the county. When the county has asked the high school and the district for money they have given it. They helped pay for the score boards at the soft ball fields; they helped pay for the batting cages; they put money in for the shed and they bought the standards for the soccer goals. He understands that there is some give and take and that they have some liability there too. The high school janitor marks the fields every week due to an agreement. He does believe that there is some cooperation from the school district. They are willing to do things for the use of the facilities.

Commissioner Whatcott said that the county pays for the water and Mr. Brinkerhoff is doing the grooming. He said that he gets a lot of good comments regarding the soccer fields, mainly from the soccer players. He said that it is a shared responsibility to raise our youth.

BID OPENING FOR CONSTRUCTION ON THE NEW AMBULANCE BUILDING

Auditor Brandy Grace opened the following bids:

- Tushar Contracting \$446,570.00
- Busk Incorporated \$455,861.00
- Hales Construction \$448,800.00
- Precision Development \$388,772.20
- Dale Cox Contracting \$382,780.50
- Brubaker Construction \$448,000.00

Commissioner Smith made a motion to accept the bids submitted and to have the committee review the bids to make sure that they are adequate and meet the specs. The committee will then report its recommendation to the commission for awarding the bid.

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

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

Commissioner Smith reported that he attended the Snake Valley Water Advisory Committee yesterday at the State Capitol. The BLM Project Manager, Penney Woods, discussed the EIS. As a community they took a position to support Alternative E, which is a no Snake Valley option.

EIS is insufficient with its data showing that there would not be a negative impact, given the current time frame. Commissioner Smith said that it was interesting that Ms. Woods stated that an agreement between the two states could be premature due to so many other factors involved as far as the BLM's process.

Millard County has always taken the position that there was no need for an agreement if Alternative E was taken. The commission will send a letter to the governor informing him that the county will support option E and the State should look really hard at supporting even option D, which is the Spring Valley alternative.

The Commissioners met with Bruce Parker, Planning Consultant, and Sheryl Dekker, County Planner, on Thursday, September 15. They talked about the TransWest Express proposed pipeline, Sigurd to Red Butte and the proposed Phase III of the wind farm. Mr. Parker, Ms. Dekker and Attorney Waddingham will be attending a meeting with the BLM today to further discuss these issues.

The commission received a letter from Brian Harris with First Wind, which explained what is going on there.

The commissioners met with Beaver County later that afternoon to correlate on doing a combined resolution to sign with the BLM for both the Sigurd to Red Butte and TransWest Express pipeline projects.

The commissioners attended the sexual harassment training which was mandatory and was well attended.

Commissioner Withers had a meeting with the Junior Livestock Show Committee and things are going well. They discussed what their needs are for the upcoming year. Things are going well.

He thanked the people who volunteer for events in the county to make different programs work.

Commissioner Withers met with Max Wood to go over recreation for the west side of the county. They talked about the things he is doing to promote that side of the county.

Commissioner Withers met with Thayne Henrie regarding the weight limits on the roads and how to proceed with those weight limitations.

Attorney Waddingham said UDOT will supply him with information on who is qualified to do road inspections. He thinks that this will be resolved this week.

Attorney Waddingham said that once those signs are posted, a vehicle exceeding the weight restrictions will not be able to use those roads.

Attorney Waddingham has spent the last few weeks following up on commission items.

Commissioner Whatcott received the hold harmless agreement and a check in the amount of \$5,000 from Jonathan Holmes for the work that the county did during the spring runoff to put dirt around the River Bottom Apartments.

Commissioner Whatcott attended a Six County AOG meeting, which was held at the Noyes Building at Snow College, Ephraim, UT. They took a field trip looking at housing that is through self help funding and crown homes. It was an informational meeting which had a lot of attendance.

Commissioner Whatcott had a meeting with Mark Cram who works for Seimens Company. They did a feasability study on county buildings on how the county can save power. They visited the county road shed, west Millard recreational swimming pool, the baseball park buildings, the fair grounds and the county offices in Delta.

Mr. Cram will get back to the commission with a proposal cost. He will not charge for the proposal. The commission will possibly enter into an agreement if it is determined that the county could save money on power.

Commissioner Whatcott worked at the Old Arts Capital Festival held September 9 and September 10. There was good participation and a lot of people expressed the desire to come back next year.

Commissioner Whatcott attended an emergency management training at the UAC building on September 14. He is on the emergency management team for the county and felt like this was needed training. He will present the power point at the county's next emergency meeting.

Commissioner Whatcott attended a Tourism meeting.

Commissioner Whatcott met with Bob Weidner and Bob Steele yesterday. They went over the possibilities of what the West Desert has to offer to the county by way of revenue.

They concluded the meeting with Bob Steele planning on making a pitch to the State Geologist recommending that they have an outside person or group come to Millard County and do part of their doctorate or masters program on what is really out there, such as gold, silver, copper and different minerals that would bring revenue to the county.

When the information is received, Mr. Weidner is going to help push that to congress to eliminate the WSAs, which would allow mining companies to come in and start their projects on the west desert.

Mr. Steele advocated that there is no reason why there could not be hundreds of people working on the west desert on mining operations. They are looking at performing a study for mineral deposits on the west desert. They are looking at getting things going within a nine to a twelve month period to work through the WSA issue and being able to open it up for hard rock mining.

Commissioner Smith suggested to have Linda Gillmor, Economic Development Director, get involved.

Recorder Connie Hansen received the signed copy of the contract for grant money for surveys. The surveys are almost done for this year. The surveyor has done a really good job and reported to her monthly.

The grant money the county will receive will be \$10,600, which will be coming to the county by December.

PUBLIC INPUT

Jane Beckwith with Topaz Museum presented a resolution from the Delta City Mayor.

Ms. Beckwith said that they tried to build a museum complex with four groups which dissolved. Delta City and Topaz went together and wrote a very large grant with the National Park Service but was not successful on that grant.

Now Delta City would like to go with another funding alternative to which Topaz Museum would not qualify. The Topaz Museum will now go back to National Park Service. The National Park Service is a very intricate key but they have not been successful. Hopefully they will have better luck this time.

In the past, the county has passed resolutions that talk about Delta City and the Topaz Museum together. Now that they are separate, the Topaz Museum is asking for a new resolution in its support. Ms. Beckwith presented a resolution that is similar to the past resolutions. She discussed what is in the resolution with the commissioners, as well as reviewed the plans for construction.

Commissioner Smith made a motion to sign both letters of support for Delta City and the Topaz Museum to build the buildings.

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

AUDITOR'S REPORT

POSSIBLE APPROVAL OF HARDSHIP ABATEMENT APPLICATIONS

Auditor Grace presented a hardship abatement application for Terry Hoover, parcel number F-38-1. The commissioners reviewed the information provided by Ms. Hoover.

Commissioner Smith made a motion to abate 50% of Ms. Hoover's property taxes and deny the other.

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

OTHER BUSINESS

Commissioner Whatcott said that the Spring Valley hearings will start on September 26, 2011 in Carson City, Nevada and will run through November 1, 2011. October 31, 2011 is the day the county is scheduled to present its position. Mark Ward, UAC Attorney, will be going there a couple times and he submitted information regarding the cost of airline tickets. The county has a budgeted line item for Snake Valley Water and special projects that will cover the costs for this.

Commissioner Smith made a motion to pay the travel expenses for Mark Ward to attend the Spring Valley water hearing in Reno, Nevada to represent Millard County.

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

carried.

Commissioner Whatcott said that the commissioners received a thank you card from Merla Rutherford thanking them for the scholarship she received to attend the University of Utah School on Alcoholism and other Substance Dependencies. She said that it was a great course and she could not say enough about it.

Central Utah Counseling Center puts together names, and recommends four people to receive a scholarship. The county funds two scholarships and the State funds two scholarships. Georgia Hare use to present these names to the commission.

POSSIBLE BOARD OF EQUALIZATION (BOE) DISCUSSION AND OR ACTION

There was none.

TREASURER'S REPORT

Treasurer Hansen received the paperwork regarding the settlement on T-Mobile USA for the year 2003. He said normally when he receives appeals that have been resolved he does not bring them to the commission. He just processes them. He said because of the amount needing to be refunded he wanted to make sure that the commission did not have any reservations about proceeding with the refund.

For the year 2003, the total amount, including interest, that will be refunded is \$4,575.47. T-Mobile USA has also appealed its 2004-2011 valuation.

They had a conference call with Tom Peters about a month ago. Supposedly, Mr. Peters was offering a settlement on behalf of the counties. Treasurer Hansen has not heard back from Mr. Peters so he contacted the State Tax Commission and they indicated that the county should go ahead with the refund on 2003 and see what happens in future years.

Treasurer Hansen said that Steve and Becky Watson from Delta contacted Sheri Dearden on September 12, 2011 regarding a parcel of property they received a delinquent notice on. Ms. Dearden told them to send the amount of the tax and Treasurer Hansen would approach the commission regarding the penalties and interest.

Ms. Watson said that when they bought the property she asked the Treasure's Office if there were any delinquent property taxes. At the time, the property was in the name of the previous owners. The previous owners would have received the property tax notice.

Commissioner Withers said that he can see where the confusion came in. Commissioner Smith suggested that the county write off the penalties and interest.

Commissioner Smith made a motion to write off the \$18.81 owed by the Watsons.

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

Treasurer Hansen received a request from Warren Brent Overson from Lynndyl. He has talked to Ms. Dearden several times over the past month regarding his 2010 delinquent taxes. He

indicated that he is under 66 and is retired based on disability and requests that the commission abate the taxes on his property in the amount of \$126.88.

Mr Overson did not file an application for a circuit breaker for 2010.

Commissioner Withers made a motion to abate Mr Overson's 2010 property taxes 100% including penalties and interest.

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

Treasurer Hansen said that the commission discussed Red Rock Specialty Cheese and discussed adopting an ordinance to be able to abate personal property taxes. The ordinance was adopted earlier in the meeting.

He refreshed the commissioners on Red Rock Specialty Cheese's situation.

Commissioner Smith made a motion to allow Treasurer Hansen to communicate to Red Rock Cheese that if it pays its personal property taxes in full before February 2012, the penalties and interest will be waived.

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

Treasurer Hansen said that he was informed that the assessor's office is not going to be able to meet the deadline to get all the BOE adjustments done. Treasurer Hansen asked if the commission would consider allowing the County Auditor, who is the clerk of the BOE, to process those changes prior to the next meeting. Commissioner Smith said that the commission would be fine with allowing that.

OTHER

APPROVAL OF SEPTEMBER 6, 2011 COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held September 6, 2011 were presented for consideration and approval. Following review and consideration of minor corrections, Commissioner Smith made a motion to approve the minutes of September 6, 2011, as corrected.

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

POSSIBLE REVIEW OF COUNTY POLICIES AND CONTRACTS

There was none.

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

There was none.

WHERE UPON THE MEETING ADJOURNED

Commissioner Smith made a motion to adjourn the meeting.

Commissioner Withers SECONDED the motion. The voting was unanimous and the meeting adjourned at 12:48 p.m..

Attest: _____

Approved: _____