

MINUTES OF BOARD OF COUNTY COMMISSIONERS  
MILLARD COUNTY THE 18th DAY OF OCTOBER 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: JerE Brinkerhoff . . . . . East Millard Recreation  
Lindsay Mitchell. . . . . County Sheriff's Office  
Bryant Anderson . . . . . Commercial Business Radio, LC  
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 Whatcott to the public and Commission members.

OPENING STATEMENTS

Commissioner Whatcott asked if anyone had an opening statement to give. Commissioner Withers said the invocation. Everyone stood and said the Pledge of Allegiance to the Flag.

RATIFY THE BUSINESS LICENSE FOR BRASFIELD & GORRIE, LLC

Commissioner Smith made a motion to ratify the approval of a business license for Brasfield & Gorrie, LLC.

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

RATIFY THE MOTION TO APPROVE THE 2012 PREDATOR CONTROL CONTRACT

Commissioner Smith explained that the county had previously signed an amendment to the

Predator Control Contract and later found out that the contract from the year before had lapsed causing the county to sign a new contract instead of an amendment for 2012.

Commissioner Smith made a motion to ratify the approval of the 2012 Predator Control Contract.

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

#### DISCUSSION AND POSSIBLE APPROVAL OF A BUSINESS LICENSE FOR YATES DRAIN CLEANING AND JANITORIAL - OWNER MARLOW YATES

A business license application was presented for Yates Drain Cleaning and Janitorial - Owner Marlow Yates. After review of the application and finding all the signatures in order, Commissioner Withers made a motion to approve the business license for Yates Drain Cleaning and Janitorial - Owner Marlow Yates.

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

#### DISCUSSION REGARDING SOLICITOR LICENSING

Attorney Waddingham and County Planner Sheryl Dekker created a solicitor license application. He said that the current ordinance would need to be amended regarding the solicitor license requirements.

It was discussed that the solicitor license application would be handled through the clerk's office and would be approved by the commission chair.

#### REVIEW OF THE JANITORIAL CONTRACTS

Attorney Waddingham said that sometime ago he prepared a generic contract for janitorial services.

The commissioners discussed the current janitorial contracts and the possibility of putting some or all of them out for bid.

Commissioner Whatcott wanted to have the contracts ready for bid by January 1, 2012 with an effective date of March 1, 2012.

#### DISCUSSION AND POSSIBLE APPROVAL OF A PROPOSED CONTACT RENEWAL BETWEEN MILLARD COUNTY AND COMMERCIAL BUSINESS RADIO, LC - BRYANT ANDERSON

Bryant Anderson, Commercial Business Radio, L.C., said that he appreciates the county's support to be able to maintain the radios and to work with the county. Mr. Anderson reviewed the preliminary Millard County service contract cost summary with the Commissioners. The departments, type of equipment, annual checkup, quantity, repair costs per month and the annual repair costs were listed on the handouts given to each Commissioner. The contract amount has gone

up from last year's contract amount by about \$3,500.00. However, the amount had been reduced significantly the previous year. Mr. Anderson said that there may be some minor adjustments to the service contract cost summary.

Mr. Anderson discussed the FCC licensing and the fee for updating and renewing those licenses.

Commissioner Withers made a motion to table the approval of the proposed Commercial Business Radio, L.C. Maintenance Contract in the amount of \$37,200.00 until further information is provided.

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

#### DISCUSSION AND POSSIBLE APPROVAL OF AMBULANCE ABATEMENTS - LINDSAY MITCHELL

Lindsay Mitchell presented the commissioners with an ambulance abatement application from Maria Aleman in the amount of \$820.69. Ms. Aleman is unemployed and has been since 2004. She receives social security in the amount of \$162.00 a month. Her total debt is \$4,197.00, all of which is medical.

Commissioner Withers made a motion to abate 100% of Ms. Aleman's ambulance bill.

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

Ms. Mitchell presented the commissioners with an ambulance abatement application from Paul Burgess in the amount of \$1,692.33. Mr Burgess is unemployed and has been since December 2010. He receives \$1,081.00 a month from unemployment. His monthly expenses are \$1,710.00. His total debt is \$106,247.00, which is mostly medical.

Commissioner Withers made a motion to abate 45% of Mr. Burgess's ambulance bill.

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

#### DISCUSSION AND POSSIBLE ADOPTION OF RESOLUTION 11-10-18, A RESOLUTION OF THE MILLARD COUNTY COMMISSION AMENDING THE EQUESTRIAN PARK RULES AND REGULATIONS FOR USE OF PROPERTY OR BUILDINGS UNDER THE MILLARD COUNTY FACILITIES USE AND RENTAL POLICY, BY AMENDING THE FEE SCHEDULES FOR RENTING EQUESTRIAN PARK FACILITIES; ESTABLISHING PROCEDURES FOR USE OF THE EQUESTRIAN PARK FACILITY FOR EQUESTRIAN, SOCCER AND OTHER EVENTS; AND MAKING TECHNICAL CORRECTIONS TO THE POLICY

Commissioner Whatcott said that he placed a copy of the new park policy in the auditor's office, the clerk's office and the county offices in Delta. He and JerE Brinkerhoff also handed out a lot of copies to the public. Mr. Brinerhoff said that so far the only comment he has heard was that

it gets dark early in the winter. Commissioner Whatcott said that the seasonal times will be adjusted. The commissioners and Jer'E Brinkerhoff discussed the changes made to the policy.

Commissioner Smith made a motion to adopt Resolution 11-10-18, a resolution of the Millard County Commission amending the equestrian park rules and regulations for use of property or buildings under the Millard County Facilities Use and Rental Policy, by amending the fee schedules for renting equestrian park facilities; establishing procedures for use of the equestrian park facility for equestrian, soccer and other events; and making technical corrections to the policy.

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.

## OTHER BUSINESS

A business license application was presented for an onsite heavy equipment repair business for Danny's Field Service - Owner Daniel Eyre. After review of the application and finding all the signatures in order, Commissioner Withers made a motion to approve the business license for Danny's Field Service - Owner Daniel Eyre.

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

Commissioner Smith said that Todd Mullen has been working with a gentleman who would like to market the golf course to different pilot organizations, as a golf course next to a rural airport.

Commissioner Smith said that there is potential to get people to come play golf at the county golf course.

Mr. Mullen will arrange for the golfers to be picked up at the airport and would take them to lunch. The county would charge a base rate of \$40.00 or \$50.00 for the lunch and a round of golf. A portion of that fee would go to pay the gentleman who would basically be marketing the golf course by arranging the tee times.

Mr. Mullen wants to sign the contract and start this program as soon as possible. Commissioners Smith and Whatcott think this is a really good idea. Commissioner Withers has a concern with paying a separate entity a fee. The commissioners discussed paying a percentage of what revenue was brought in by the gentleman instead of a set fee.

Attorney Waddingham reviewed the contract and said that there are a few things in the contract that would need to be revised. Commissioner Smith said that he and Attorney Waddingham will meet with Mr. Mullen and discuss this program further before proceeding.

Commissioner Withers made a motion to move to the Treasurer's report.

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

## TREASURER'S REPORT

Treasurer Hansen said that he has been working with the Justice Court in trying to get a

reconciliation of the fines and the bail money that they are holding. It is now combined in one account and they are now working on trying to bring that into balance.

Treasurer Hansen said that there may be a need to transfer some money out of the Justice Court account into its bail account because it shows that there is less money in the bail account than the records reflect in money received. He said that they are getting to the point where they finally have a reconciliation on their bail account.

Treasurer Hansen and the commissioners discussed the policy on holding checks. If an amount of \$100 or higher is received, it needs to be deposited the same day it is received. Any smaller amounts need to be deposited within three days of when it is received.

Treasurer Hansen said that the tax notices have been printed and should be mailed out either Wednesday or Thursday.

Treasurer Hansen asked if Attorney Waddingham had heard from Tom Peters regarding the state assessed property on T-mobile. Neither Attorney Waddingham nor Treasurer Hansen have heard from Mr. Peters since September.

Treasurer Hansen discussed First Wind Phase I and Phase II. He said that he thought that part of the value was not appropriate and that the State Tax Commission was going to change the value. The supplies and materials that had not yet arrived at the site were included in the value.

Treasurer Hansen questioned if anything had been discussed relative to a final resolution on First Wind's value.

Commissioner Smith said that there has not been a resolution for 2011 but 2010 has been settled. He said that First Wind's 2011 value dropped substantially for both Millard County and Beaver County. Treasurer Hansen looked at the draft tax notice they sent for the county to view. The value that the county sent notices on is about \$211,000,000 for Millard County. The county will have to do a considerable refund if that holds up.

Commissioner Whatcott said that John Hansen was selected as Treasurer of the Year. Commissioner Whatcott thanked Treasurer Hansen for his professionalism and for doing such a great job to be recognized. He will have a chance to be considered as Elected Official of the Year at the UAC conference.

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

Commissioner Smith attended the WIR Conference. They talked about PILT and SRS funding. He said that the NACo representatives said that most likely PILT and SRS will be funded for the next five years at a reduced amount than what it is now and still decrease by 10% a year.

They also talked about the possibility of Title III money not being funded in the next five years. All the counties who have been lobbying for PILT were thanked at the meeting. They agreed not to oppose the bill because it could be worse.

Commissioner Smith attended the Pahvant Elk Committee meeting. They discussed the revised elk plan for the pahvant unit at the BLM office on Thursday. Also in attendance were Neuel Chlarson, Richard Christensen and Brant George. The committee's recommendation was to develop and protect the water sources before increasing the number of elk.

Commissioner Smith attended the UDOT scoping meeting in Scipio regarding the closure of the overpass on top of Scipio Summit. Most of the people who attended the meeting were against the closure and voiced their opinions. When Commissioner Smith left the meeting he said that it sounded like UDOT would revisit the proposal to close the overpass, since it was very apparent that the overpass was very important to the community of Scipio.

Commissioner Smith attended a meeting with Governor Herbert. He said that Linda Gillmor did a great job putting the meeting together with some of the businesses in Delta.

Magnum Gas Storage gave a presentation on the status of its project. Representatives of the Potash project also gave a presentation on their project. The president of Snow College and Governor Herbert spoke at the meeting as well.

Commissioner Smith said that it was a very well attended meeting. He said that Ms. Gillmor did a very good job and he appreciated the Governor for coming.

Commissioner Withers met with the Rodeo Committee to discuss its Las Vegas trip next month to sign the contracts for next year's rodeo. There will be three members of the rodeo committee who will be going down to represent the county. They discussed deterring some of the cost by staying in a less expensive hotel, which Commissioner Withers appreciated.

Commissioner Withers met with the Road Department to discuss its budget.

Commissioner Whatcott attended a Six Co. AOG meeting in Richfield.

Commissioner Whatcott and Commissioner Smith met with Magnum Gas Storage representatives.

Commissioner Whatcott attended the Great Basin Water Forum in Ely, Nevada on October 13 and 14. He said that it was a very informative meeting.

UAC Attorney Mark Ward recommended that the county get started on a water resource plan for the county. They have found that they are good deterrents for people who are wanting to get water.

Commissioner Whatcott gave an update on the west desert water, eastern White Pine County water, Snake Valley water, and Spring Valley Water. He gave a social economic report on how it impacts lending institutions. If the water goes away the farms go away and the lending companies will be in great jeopardy of not getting their loans paid back.

White Pine County Commissioner Gary Perea gave a corollary of how it started out in 1989 to where it is now.

Commissioner Whatcott attended two or three meetings with Zane Pentz from Sunrise

Engineering regarding minor changes to the sewer layout for the new ambulance building.

Commissioner Whatcott attended a meeting on Title III money that they are trying to productively use in the county between the fire district and the county.

Attorney Waddingham was contacted by one of SITLA's attorneys asking that the county vacate four roads located on its projects. Attorney Waddingham said that he does not know whether they are existing roads. He said that some of Magnum's site plans are over the top of the mapped roads.

He looked at the statute and it is somewhat time consuming to vacate due to the notices and the public hearing requirements.

Attorney Waddingham suggested that the commissioners drive out and look at the area to see if they would be opposed to vacating those roads.

#### APPROVAL OF OCTOBER 4, 2011 COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held October 4, 2011 were presented for consideration and approval. Following review and consideration of minor corrections, Commissioner Smith made a motion to approve the minutes of October 4, 2011, as corrected.

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

#### PUBLIC INPUT

There was none.

#### AUDITOR'S REPORT

There was none.

#### POSSIBLE APPROVAL OF HARDSHIP ABATEMENT APPLICATIONS

There was none.

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

There was none.

#### OTHER

#### 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 Withers made a motion to adjourn the meeting.

Commissioner Smith SECONDED the motion. The voting was unanimous and the meeting adjourned at 12:29 p.m..

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

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