

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 1st DAY OF NOVEMBER 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: Connie Hansen County Recorder
Tate Bennett. Public Defender
Brandy Grace County Auditor
John Hansen County Treasurer

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 said, "Some say the earth will end in fire, some say ice." Commissioner Withers said, "Lets not spend more than we are going to make." Commissioner Whatcott said the invocation. Everyone stood and said the Pledge of Allegiance to the Flag.

RATIFY THE BUSINESS LICENSE FOR DANNY’S FIELD SERVICE - OWNER DANIEL EYRE

Commissioner Smith made a motion to ratify the business license for Danny’s Field Service - Owner Daniel Eyre.

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

carried.

UNEV CONSTRUCTION AND PROGRESS UPDATE

Commissioner Whatcott read UNEV's construction and progress update submitted by Cindy Gubler via email. *See attachment.*

DISCUSSION ON THE COUNTY DRAFTING A LETTER TO ROPER LUMBER REGARDING A RIGHT-OF-WAY TO EXTEND THE CITY SEWER SYSTEM ON COUNTY PROPERTY

Commissioner Whatcott said that Alan Roper has agreed to hire someone to lay the pipe and put in the curb and gutter if he can get permission to cross the county's property through its utilities and extend the sewer line to his property.

The Commissioners and Attorney Waddingham discussed the easement and what is required before this could happen. It was determined that if there are already utility easements in place the county will need to determine where they are and then go from there. Commissioner Whatcott will check to make sure there are easements already in place.

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

Commissioner Withers made a motion to approve the new Commercial Business Radio, L.C. Radio Maintenance Contract in the amount of \$37,610.00.

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

DISCUSSION AND POSSIBLE APPROVAL OF ADJUSTING FILING FEES FOR SURVEY FILINGS

Recorder Hansen reported that she recently attended a survey meeting. They discussed that most of the counties have raised their survey filing fees. She is requesting that Millard County raise its survey filing fees to \$20.00 per sheet. The filing fees should be consistent throughout the state.

This will be adopted by an ordinance at the next commission meeting.

Recorder Hansen said that there was a problem with the survey corner in Scipio. Sunrise Engineering met with BLM and a few of the ranchers whose property would be affected by the survey corner. One of the ranchers said that he knows that the corner is right and after BLM checked into it more they determined that the corners were right and will not have to be moved.

OTHER BUSINESS

Clerk Brunson reminded the commissioners to start thinking about the commission meeting dates for 2012.

Commissioner Whatcott read a letter from Mayor Larsen. The letter informed the commissioners that he is submitting the name of council member Josephine Huntsman to serve on the Great Basin Heritage Committee.

Commissioner Smith explained that this is a joint committee with White Pine County in Nevada. Millard County appoints two people to serve on the board.

Commissioner Smith made a motion to appoint Josephine Huntsman to serve on the Great Basin Heritage Committee.

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

Commissioner Whatcott presented a letter from the Paiute Indian Tribe out of Cedar City, Utah, regarding drilling an 8 inch well and conducting a step test and pumping test from a separate smaller observation well. Commissioner Whatcott explained that the Paiute Band in Kanosh are working on drilling a well in the Cove Fort area dealing with a steam generation power plant. There were several protestants and so they decided to postpone the hearing for the time being.

Commissioner Whatcott said that he received a call from Christine Tolbert, Hinckley Town Mayor, inquiring about how the water in the cemetery was tied up. Commissioner Whatcott did some research and reviewed some maps. He called her back and let her know what he had found out.

REVIEW OF THE PUBLIC DEFENDER CONTACT

Tate Bennet, Millard County Public Defender, and the Commissioners reviewed Mr. Bennett's performance as the public defender. Commissioner Whatcott said that he has only heard positive comments about Mr. Bennett's performance. Attorney Waddingham and Clerk Brunson also said that there has not been any negative comments made about Mr. Bennett's performance and they are both happy with the work he does.

Mr. Bennett touched base on a previous discussion he had with the commission in August. He said that there is still a 50/50 possibility of he and his family moving further north depending on family circumstances.

Mr. Bennet discussed with the commission if there would be a conflict if he submitted a bid for the conflict of interest counsel contract for Juab County.

He explained that he has been trading conflict of interest cases with Juab County Public Defender Milt Harmon in the past. Juab County decided that it would like to have a contract in place for that position.

The commissioners said that they would not have a problem with Mr. Bennett submitting a

bid for that contract as long as it does not interfere with the Millard County contract.

Commissioner Withers made a motion to extend the Public Defender's Contract for another year for \$84,000.00.

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

POSSIBLE ADOPTION OF THE 2012 MILLARD COUNTY TENTATIVE BUDGET

Commissioner Whatcott thanked Auditor Grace for all the time she has put into preparing the budget.

Auditor Grace said that the tentative budget is out of balance at this point and that there is still a lot of work to be done on it. The tentative budget will be available in the Auditor's Office and in the Delta Office for review. The Budget Hearing will be held December 6, 2011, at 7:00 p.m..

Commissioner Smith made a motion to adopt the 2012 Millard County tentative budget.

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

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

All three commissioners and the county attorney attended the Spring Valley Water Hearing in Carson City, Nevada on Monday, October 31, 2011. A lot was learned at this hearing.

Commissioner Withers and Auditor Grace met with Thayne Henrie and Max Wood to work on their 2012 budgets.

Commissioner Withers attended a meeting with Commissioner Whatcott last week. They discussed the construction of the ambulance building and it sounds like they are right on schedule.

Commissioner Smith attended a district court hearing on Wednesday regarding one of the lawsuits the county is involved in.

Commissioner Smith said that Mark Ward, UAC Attorney, and John Rhodes, local counsel from Nevada who was hired by the county were also at the Spring Valley Water Hearing representing the county.

Millard County had the opportunity to present its case in chief at the administrative hearing on the nine protests that the county made.

Hugh Hurlow, from the Utah Geological Survey, was a professional witness that Millard County used. Millard County was not able to use the representative from the USGS to testify due to his status of being an employee of a federal agency.

Gerald Anderson from Millard County also presented his case in chief representing Eskdale, Utah.

Closing arguments will be held on November 18, 2011. Mark Ward will represent Millard County.

Commissioner Smith worked on the budget with the department heads and the other elected officials.

Attorney Waddingham said that he thought the Spring Valley Water Hearing went very well. He thought that Commissioner Smith and Juab County Commissioner Winn did an excellent job. They spelled out the policy concerns for their respective counties and they did a great job.

Commissioner Whatcott attended different budget meetings.

On October 26, 2011 Commissioner Whatcott had a meeting with Zane Pentz, Sunrise Engineering, and Dale Cox, who is with the construction company who is doing the ambulance building for Millard County, to go over the progress of the ambulance building. They plan to have biweekly meetings to review the process.

On October 27, 2011, Commissioner Whatcott attended a public health meeting in Richfield, Utah.

Commissioner Whatcott attended the Association of Governments for mayors which was hosted by Fillmore. This was a well attended meeting, which was quite refreshing. They talked about the hazard mitigation plan which was presented by Todd Thorne with Six County AOG.

Another presentation was given by Scott Christensen with Six County AOG about understanding the home delivery of meals to the elderly.

Maureen Casper with Senator Hatch's office and Dell Smith and Wade Garret with Congressman Chaffetz's office gave an update on Washington issues.

They also discussed E-911 funding that should be diverted to Millard County. In the past it has been given to the incorporated communities in Millard County. The money will now be sent to Millard County to help support the E-911 system.

The next scheduled meeting is set for January 26, 2012 and will be held in Delta, Utah.

PUBLIC INPUT

There was none.

AUDITOR'S REPORT

Auditor Grace presented a contract amendment for the ambulance building. She sent a letter to Glenna Matekel explaining to her that the county needs an extension because the completion date was set for December 31, 2011. Ms. Matekel emailed Auditor Grace a contract extending the completion date until April 30, 2012.

Auditor Grace presented an invoice from Sunrise Engineering in the amount of \$10,623.12.

The bill is divided between Sunrise Engineering (\$2,095.00) and Landmark Testing Engineering (\$8,525.12). Auditor Grace sent the invoice to Thayne Henrie, Road Supervisor, but he has not approved it yet.

Commissioner Withers said that Sunrise Engineering hired Landmark Testing Engineering to come in and do some of the surveying work on the county roads that the county originally thought needed to be surveyed. He said that he would like to have an invoice that explains exactly what this company did on the roads before he feels comfortable paying the invoice. The commissioners asked Auditor Grace to hold the invoice until they can get a break down of what services were provided.

Auditor Grace reported that a couple of weeks ago she received a report from the State Tax Commission on the E-911 telephone charge distribution. The report showed all of the entities in the state who are collecting 911 fees. Through this report she was able to identify that all of the cities/towns in Millard County are collecting 911 fees. According to the statute that identifies what the money is to be used for, none of the cities/towns provide the services required to receive these funds.

Auditor Grace talked to Jim Clayton with the State Tax Commission and asked what she needed to do to have that money come to the county. He told her that he would need a letter from each of the city/town mayors requesting that their future distribution be submitted to the county.

The commission decided to send a memo to each mayor requesting that they send a letter to the State Tax Commission, and any distribution the cities/towns receive be forwarded to the county.

POSSIBLE APPROVAL OF HARDSHIP ABATEMENT APPLICATIONS

There was none.

POSSIBLE BOARD OF EQUALIZATION (BOE) DISCUSSION AND OR ACTION

There was none.

TREASURER'S REPORT

Treasurer Hansen has had some tax notices returned since he started sending out assessments for drainage district fees to governmental entities that were in the boundaries of a drainage district. One tax notice that was returned undeliverable was for Deseret Recreation Association. The commissioners suggested that Treasurer Hansen send the notice to Laurel Eliason.

Another returned was Hinckley Cemetery and Deseret Cemetery. It was decided to send the notice to Mike Anderson.

Treasurer Hansen presented the financial reports for the month of October for property taxes collected and distributed for Millard County. He said that the county is starting to collect quite a bit of tax money. He explained the report and who has been paid and who will be paid.

Treasurer Hansen presented an invoice for assessing and collecting for the 2010 year and for

the Computer Assisted Mass Appraisal (CAMA) fees for the county's participation. The county has not received the assessing and collecting money so the invoice cannot be paid until the money is collected.

Treasurer Hansen said that the way they bill for the fees is a little different from what they have done before. The assessing and collecting fees show \$50,000, the CAMA fee adjustment for 2010 was \$3.00, and for 2011 is \$25,456.00. The CAMA fee was an additional fee built into the rate but is collected per parcel.

Treasurer Hansen said that he will not pay the invoice until the money is collected. The commissioners will approve the payment of these fees since the fees are a mandate from the state.

Treasurer Hansen and Attorney Waddingham discussed bankruptcy services and how bankruptcies affect the county.

Treasurer Hansen said that Tom Peters represents the county on centrally assessed appeals. Mr. Peters informed Treasurer Hansen of an appeal at District Court in Salt Lake City on Pacific Corp discussing its 2006 valuation. Treasurer Hansen attended the appeal yesterday. He was the only representative from all of the counties that was there, other than Mr. Peters and Brent Eyre. Don Johnson from Florida was an expert witness.

Treasurer Hansen said that this was an eye opener and he may go up and attend another day of appeals. He explained a little bit of what happened at the appeal.

OTHER

APPROVAL OF OCTOBER 18, 2011 COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held October 18, 2011 were presented for consideration and approval. Following review and consideration of minor corrections, Commissioner Withers made a motion to approve the minutes of October 18, 2011, as corrected.

Commissioner Smith 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 12:11 p.m..

Attest: _____

Approved: _____