

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 11th DAY OF JULY 2005
AT THE COURTHOUSE, FILLMORE, UTAH

PRESENT: John C. Cooper Chairman
Daron P. Smith. Commissioner
Kathy Y. Walker Commissioner

LeRay Jackson County Attorney
Norma Brunson County Clerk
Janice Robins. Deputy County Clerk

ALSO PRESENT: Russell Cowley, Jody Gale, Jack Bowers, Jackie Bowers, Callie Peterson,
and Susan Stefanoff

PURSUANT TO AN AGENDA WHICH HERETOFORE HAD BEEN PROVIDED TO each member of the governing body, the local news and located on the front and back doors of the County Courthouse as required by law the following proceedings were had.

COORDINATION SESSION

The Commissioners scheduled events for the months of July and August 2005.

PUBLIC WAS WELCOMED

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

OPENING STATEMENTS

Commissioner Cooper asked if anyone had an opening statement to give? Commissioner Smith read a quote from George Washington and then said the invocation. Everyone stood and said the Pledge of Allegiance to the Flag.

FOLLOW UP ACTION ITEMS FROM MINUTES OF JUNE 27, 2005

There were none.

APPROVAL OF THE AMENDED MINUTES OF JUNE 27, 2005

Commissioner Walker made a motion to approve the amended minutes of June 27, 2005. Commissioner Cooper stepped from the Chair and SECONDED. The voting was unanimous. The motion carried.

AUDITORS REPORT

Auditor Brandy Grace gave the Commissioners various invoices to review and approve for payment through the Auditor's Office.

Auditor Grace gave the Commissioners the Check Edit Reports of July 1 and July 8, 2005 to review and sign.

The date for the Board of Equalization was set for August 23, 2005. They will convene in Delta, Utah from 9:00 a.m. to 12:00 Noon and in Fillmore, Utah from 2:00 p.m. to 5:00 p.m..

Auditor Grace reported that she has received the Independent Audit Report for Special Service District # 8 dated December 31, 2004.

Auditor Grace informed the Commission that an offer in the amount of \$21,200.00 has been made via e-mail from Jesse Brown and Steven Brown on some property listed on the Millard County website. There are over seven hundred acres in the parcel. The Commissioners did not make a decision at this time whether to deny or accept the offer.

Auditor Grace said Brandon Bartholomew, Millard County Assessor's Office has requested a credit card to cover miscellaneous travel expenses.

Auditor Grace said they have investigated getting purchasing cards for the county through US Bank which have no annual fees, give the county a percentage of the purchases or traveling expenses, and the county would have control of temporary increases. The advantage of using the purchasing card for offices is one payment could be made instead of many payments made to different vendors. The Commissioners approved a purchasing card for Brandon Bartholomew.

Auditor Grace gave the Commissioners the billing from IHC for them to review.

A payroll change for an employee of the East Millard Swimming Pool was given to the Commissioners for approval by the Auditor.

The time was turned over to Sheriff Ed Phillips to discuss a method to track the money for any ongoing support from the county for the CERT Program to the cities and the unincorporated areas. Different options of how to handle the funds most efficiently were discussed and they decided to authorize Auditor Grace to set up the system that will work best. Sheriff Phillips said the CERT Program is doing really well and the training expenses will be lower now as many of the cities have people trained. The training expenses can still be handled through the Sheriff's budget.

RUSSELL COWLEY SIX COUNTY AOG AND JODY GALE USU EXTENSION -
CONGRESSIONAL ATV RIDE THROUGH AMASA VALLEY AND NOTCH PEAK

Russell Cowley, Six County AOG and Jody Gale, USU Extension reported that the name of the Congressional ATV Ride has been changed to the Congressional Appreciation Day. The event will be held on August 8, 2005 on the west desert. Leon Smith and Gary Church were asked to help with the event's logistics. Congressional staffs are invited and ATV's will be arranged for those wanting to participate on the ride. Terry Scottorn will be asked to give onsite instructions and a safety inspection before the ride. Maurine Allred, EMS will be present. For those not wanting to participate in the ATV ride, a four wheel vehicle will provide transportation to the designated spot. County commissioners, technicians and economic personnel, the Forest Service and BLM are also invited to attend. A dutch oven dinner will be provided and cooked on the site. The AOG networking meeting will start about 1:00 p.m. and then the time turned over to the counties for their meeting. Cooper assigned Commissioner Smith and Randy Johnson were to conduct a meeting to discuss the land use issues, an explanation of why Millard County wants to change the boundary of the WSA and an update on the water issues on the west desert.

JACK AND JACKIE BOWERS - REQUEST FOR A WAIVER ON PRIVATE PROPERTY

Jack Bowers said he recently purchased some property a mile west of Kanosh where he planned to build a retirement home. Well water rights were in place. He was told by Mr. Forebush, Water Resources, in Richfield, Utah to get a perk test done and a well permit to get started. He hired Mr. Rhodes to drill the well and it is almost completed. The perk test was done and passed. When he contacted Gary Church, Millard County Building Inspector, and was told he would need a septic tank permit and a building permit along with building plans. Mr. Bower and his wife chose a preconstructed home and purchased it. He took the house plans to Gary Church. At this point a red flag went up. He was told the property had previously been started to be subdivided but never finished. Mr. Bowers asked the county for a variance to enable him to put his home on the property as it will be delivered in August. He said he had purchased the property in good faith, and proceeded in faith, the problem was created by a prior owner.

Leon Smith, Millard County Planning and Zoning said about ten years ago the property had been purchased by Park Brockbank who had failed to subdivide it within the state and county procedures. The engineering on the property was started but never finished. A parcel was sold out right from the property and then the remaining property was divided into four lots. It is now zoned RF 20 acres but at that time was in a 5 acre zone. Mr. Bowers owns one of the lots (8.2 acres). Mr. Smith said he recommended to Mr. Bowers that he either get together with the other three owners and finish the subdivision, purchase the other three parcels or seek a waiver from the County Commissioners. Mr. Smith cautioned the Commissioners that there are other properties throughout the county with the same situation and any decision made by the Commissioners could affect those properties also. The Commissioners will look at the legal issues and Mr. Bowers was invited to come back next week for their decision.

Mr. Bowers said that First American Title Company couldn't find anything recorded that showed a building permit could not be issued on his property.

CALLIE PETERSON, SHERIFF'S OFFICE - AMBULANCE ABATEMENT REQUEST

Callie Peterson presented a request for an ambulance abatement for Juana Ayala. The ambulance bill of May 9, 2004 is for \$576.27. She is a single parent with six children ages 15, 13, 13, 12, 8, and 4. She makes \$380.00 a month with expenses of \$160.00 for rent per month and \$100.00 for electricity and \$90.00 for telephone. She does not bank and has no savings.

Commissioner Walker made a motion that Juana Ayala qualifies for an indigent abatement for the \$576.27 ambulance bill. Commissioner Smith SECONDED. The voting was unanimous. The motion carried.

POSSIBLE SIGNING OF A BUSINESS LICENSE FOR JUBILEE SHORT STOP - OWNER JOHN SENTKER

Sheryl Dekker explained that Mr. Sentker owns the Jubilee Grocery Store and sells beer and he has purchased the Short Stop which previously sold beer. The sales representative will not sale him beer at the Short Stop without a license so the county office in Delta tried to contact the Commissioners. Two of the three Commissioners were located and they approved that a business license and a beer license for Jubilee Short Stop - Owner John Sentker be issued that day as all the other signatures and fees were in place.

Commissioner Walker made a motion to approve ratify the decision to sign the business license and beer license for Jubilee Short Stop - Owner John Sentker. Commissioner Smith SECONDED. The voting was unanimous. The motion carried.

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

Commissioner Walker talked to Crisanne Black about possible sites near the Sunset View Golf Course and Gunnison Bend Reservoir for a walking/biking trail. Details will be worked out with Mike and Joyce Barney for the trail by the golf course.

Commissioner Walker worked with County Attorney LeRay Jackson on cemetery district's bylaws. The bylaws were reviewed by the cemetery committees and are now completed. A copy was given to the Clerk's Office for filing.

Commissioner Walker reported that Millard County's recreational gems list has been completed for the state. She evaluated the Territorial State Park, Notch Peak, Trail and Loop Driving Area and the Paiute ATV Trail.

Commissioner Walker said on July 1, 2005, Todd Mullen the new golf pro started at the Sunset View Golf Course. Commissioner Walker toured the ponds and the new fountain that was recently put in by the maintenance crew. A second fountain will be put in at a later date. The fountains were purchased several years ago and had not been installed until now.

On July 4, 2005 Commissioner Smith and Commissioner Walker participated in the parade

in Delta, Utah. Special thanks to Janet Lindquist, CERT trainer, for getting the Sheriff's truck ready and for getting inmate shirts for the Commissioners to wear while passing out candy. Thanks to Commissioner Walker's grandchildren and Commissioner Smith's children for helping.

On July 7, 2005 Commissioner Walker, Commissioner Smith and Sheryl Dekker attended the Cooperating Agencies Status Training at Snow College in Richfield, Utah. The Forest Service and BLM spoke on the planning process and the roll cooperating agencies play.

On Friday, July 8, 2005 Commissioner Walker attended the Graymont Western US. Inc. 25th Anniversary Dinner at fair building. Commissioner Walker expressed appreciation to Graymont for the work they do in Millard County and congratulated them for 25 successful years.

Commissioner Smith attended the Millard County Planning and Zoning on July 6, 2005. There was not any business conducted for lack of a full quorum. Reed Searle gave a presentation on the Intermountain Power Project expansion. The process of getting a Conditional Use Permit from the county was discussed. Mr. Searle asked if IPP needed a new Millard County Conditional Use Permit or the old permit could be amended. The Millard County Attorney's Office is in the process of making a decision on the permit process.

Commissioner Smith said the Sierra Club had sent some comments to Millard County about the land use plan. The Commissioners will send a letter in response to the comments.

Commissioner Smith reported that the breakdown on the PILT payment to the counties is out. Millard County will be receiving \$747,572.00 which is an increase over the past few years. The efforts of Robert Weidner, Millard County's Washington Representative and Mark Walsh, Western Counties Alliance Representative and all the Congressional people who helped are appreciated.

Commissioner Cooper attended a tour headed by Lynn Zubeck. Wildlife Resources of the area to be rehabilitated and they discussed the ways to proceed with the project. The area is open to scheduled hunts. There will be a free hunt for Youth Day on the pheasant hunt.

Commissioner Cooper attended the Six County AOG Meeting in Richfield, Utah. There were representatives from the Congressional delegation who gave interesting reports.

Commissioner Cooper, Sheriff Ed Phillips and Fillmore Mayor Sam Starley rode horses in the July 4th Celebration in Fillmore, Utah. Commissioner Cooper thanked Sheryl Dekker for getting the candy ready for the parade.

Commissioner Cooper received a report of a housing development going on in the Virginia Hills Subdivision on Baker Lane. Gary Church and Leon Smith investigated the site and they reported that there is camping on private land and the access roads were cabled off. The only violation is that the roads can not be closed and must be opened up again.

Commissioner Walker read a letter from Terri Cummings requesting a pay raise for Lori Holt from \$7.62 to \$8.18 because of an oversight in the 2005 salary adjustments. The Commissioners approved the pay raise and will make it retroactive.

OTHER BUSINESS

Auditor Grace said that the monthly payments on the five (5) carts being rented from Yamaha Carts were paid electronically in May and June 2005. She said Millard County can terminate the lease and payoff the contract by July 15, 2005 for \$17,218.73 with ownership to the carts. Otherwise to continue the lease will cost the county \$14,095.20 and there will be no ownership to the carts.

Commissioner Walker reported that even with the five (5) purchased carts Sunset View Golf Course will have a total of thirteen (13) carts. She thinks that seven to ten additional carts are needed to be purchased this year and then the county should purchase ten more carts each year until thirty or forty carts are owned. If the county makes the rule that only county carts can be used on the course, then the county will probably need to purchase some of the privately owned carts. The cost of a new cart is \$3,580.00 each and the cost of a refurbished cart is \$2,350.00 each. She would like to see that some refurbished carts are purchased this year, but before a decision is made they will to see if there is any money in the budget to cover the cost.

- Auditor Grace said that there are outstanding bills from the golf course dating back to March 2005
- Top Flight \$5,357.40
- Coca Cola \$187.70
- Rocky Mountain Turf \$10.53
- Credit Card Machine Charges are still going to Mr. Wathen's account. The amount starting from May 12, 2005 to the date the machine was terminated will be determined and the county will be given credit.
- Mr. Wathen will be contacted to see if any of these bills have been paid or if there is a reason they should not be paid.
- Some golfers are still holding pay off points for credit earned for merchandise from the pro shop.
- The county will look at the bills and see if they match up with the inventory in the pro shop.
- A closing time will be set up with Steven Wathen for final settlement. Any bills coming in from vendors after the closing date with Mr. Wathen will be sent to him to pay.

Commissioner Walker made a motion to purchase the five carts for \$17,218.73 from Yamaha Carts. Commissioner Smith SECONDED and asked for a discussion. Should the money be taken out of the Capital Fund? (Yes) The voting was unanimous. The motion carried.

Auditor Grace asked for clarification on what sales will go toward the new Golf Pro's commission sales. Commissioner Walker said it would be the Sunset View Golf Course Pro shop sales but not include the concessions. A list of the categories the Auditor's Office is tracking was approved by the Commissioners.

After a lengthy discussion was held about whether or not exempt employees should receive vacation leave and sick leave.

Then Commissioner Walker made a motion that exempt employees will receive vacation leave and sick leave from Millard County. Richard Beckstrand, IT and Todd Mullen, Golf Pro will have professional status and will be exempt employees with vacation and sick leave, with no over time or comp time. West Millard Maintenance Supervisor Kevin Morris, East Millard Maintenance Supervisor Gary Hone, Road Department Supervisor Thayne Henrie, Recreation Department Director Max Wood Captain John Kimball and Captain Robert Dekker, Chief Deputy Attorney Brent Berkley and Deputy County Attorney John Holliday will have exempt status with sick leave and vacation leave with no over time or comp time. Commissioner Smith SECONDED. The voting was unanimous. The motion carried. An effective date will be determined at a later time.

Commissioner Walker and Sheryl Dekker helped with landscaping issues at the Millard County Care Center. A copy of the financial report for the Millard County Care Center was given to them at that time. The reports showed that the cost per patient per day is now \$144.54 The county takes in \$138.00 per patient per day making a \$13.81 loss per patient per day, which is a big improvement. The report will be on file at the Clerk's Office.

Commissioner Walker made a motion to accept the Millard County Care Center financial report. Commissioner Smith SECONDED. The voting was unanimous. The motion carried.

Sheryl Dekker said there is a condensation problem in the Delta Office. The unit on the roof is too big and it has been suggested that three smaller units be put in the attic and take the big one from the roof. The cost of the three new smaller units is \$17,000.00.

Commissioner Walker reported that the two large bathrooms at the Millard County Care Center have no heat in them. Commissioner Smith said Layton Construction Company said there was nothing in the plans for heaters in the rooms. The matter needs to be pursued further and the problem solved.

Norma Brunson asked the Commissioners to turn in all the original copies of documents presented in Commission Meeting to the Clerk's Office for filing so they will be available for review.

PUBLIC INPUT

Susan Stefanoff said the Topaz Museum has been working hard to find some property to purchase and they have found one. She asked what the museum needed to do to get the money released from the county that was agreed to at a prior meeting? The property is located between the Dollar Store and the Great Basin Museum on Main Street in Delta, Utah. They are still in negotiation on the corner lot with Mayor Bunker.

Commissioner Smith made a motion to release \$22,500 from Special Projects to Topaz Museum for the property they are planning to acquire. Commissioner Walker SECONDED. The

voting was unanimous. The motion carried.

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

There were none.

WHERE UPON THE MEETING ADJOURNED

The meeting adjourned at 12:45p.m. .

Attest: _____ Approved: _____