

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 18TH 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

ALSO PRESENT: Jack Bowers, Jackie Bowers, Dean Draper, members from the Sutherland Boy Scouts Troop Derek Anderson, Jordan Young, Corey Withers, Parker Smith, Chad Tolbert, Wes Rowlette, Ty Young, Frances Wemple, Casey Shields

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? Boy Scout Jordan Young gave a thought and Boy Scout Derek Anderson said the invocation. Boy Scout Corey Withers conducted the flag ceremony and everyone stood and said the Pledge of Allegiance to the Flag.

AUDITORS REPORT

Auditor Brandy Grace gave the Commissioners various invoices to review and approve for payment through the Auditor's Office. An invoice for \$769.00 for the University of Utah School of Alcoholism and Drugs and Auditor Grace asked which two individuals the county was sponsoring with a scholarship?

Commissioner Cooper said he had a letter from the University of Utah stating that the county is to pay \$515.00 for Barbara Barnhurst and Jamie Haupt. The \$515.00 invoice will be paid.

An invoice from the Millard County Chronicle Progress dated November 23, 2004 for \$36.00 for advertising an invitation to bid on the Cove Fort Fire Station was turned in. The matter was discussed. The invoice will be paid and a letter will be attached stating that Millard County's policy is to have bills turned in for payment within a six-month period.

A letter from the State of Utah Library Board stating that the Bookmobile Librarian and Library Tech are underpaid and the board is requesting more money. Commissioner Walker will review the request and include the salary issue in the letter she will be sending about sharing the expenses of the Book Mobile with another county. (Attorney Jackson was asked to review the contract between Millard County and Utah Library Board for Bookmobile services to see if the increase in salary needs to be paid by the county.)

Commissioner Walker made a motion to authorize a purchasing card for Todd Mullen, Sunset View Golf Course Golf Pro. Commissioner Smith SECONDED. The voting was unanimous. The motion carried.

Auditor Grace reported that there was a balance of \$999.84 left over in the cafeteria fund from 2004. The employees putting into the cafeteria fund have thirty days after the first of the year to claim it. The employees were reminded of their balance. There is now an accumulative balance of \$1,645.80. The county has the option of dividing the money up between employees or leave in the fund. The Commissioners authorized the Auditor Grace to leave it in the fund.

Auditor Grace asked what the Commissioners' decision will be in regards to the offer made by Jesse and Steven Brown for some real property in Millard County west of Lynndyl. Assessor Jim Talbot advised the Commissioners where the property lies. After discussing the offer the Commissioners made a decision to reject the offer made by the Browns.

Auditor Grace gave the Commissioners the Check Edit Report of July 15, 2005 to review and sign.

Commissioner Walker made a motion to sign the Check Edit Report of July 15, 2005. Commissioner Smith SECONDED. The voting was unanimous. The motion carried.

Commissioner Smith gave Auditor Grace a check for five hundred dollars (\$500.00) from the Delta Chapter Sportsmen for Fish and Wildlife for predator control contract. Another five hundred dollars (\$500.00) from the state chapter will be sent later. The money will be used as match money with the state for predator control vouchers.

POSSIBLE DECISION ON A WAVIER AT THE REQUEST OF JACK BOWERS

Millard County Attorney LeRay Jackson addressed the wavier request from Jack Bowers and said he had reviewed the Utah State Law and the Millard County Zoning Ordinances on variances and found the way it is written a waiver cannot be done. Attorney Jackson said that Mr. Bowers has the options to:

- Finish the subdivision *
- Buy the other lots
- Petition to rezone the parcel from RF 20 down to RF 5 *
- Sue Millard County in court of law

The Commissioners and Mr. Bowers discussed the issue. Mr. Bowers said he had asked Leon Smith what the steps are to finish the subdivision. A telephone call was made to the Planning and Zoning Office during meeting. Mr. Bowers will go the office and review the file history on his property. * The best least expensive options.

POSSIBLE APPROVAL OF A BUSINESS LICENSE FOR CIRCLE V TRANSPORT LLC - OWNER RICK AND LORENA VIVEIROS

The Commissioners reviewed the business license application for Circle V Transport LLC. The signatures were all in order.

Commissioner Smith a motion to approve the business license for Circle V Transport LLC- Owner Rick and Lorena Viveiros. Commissioner Smith will follow up with any questions they had about the nature of the business. Commissioner Walker SECONDED. The voting was unanimous. The motion carried.

CONSIDERATION AND POSSIBLE EXECUTION OF RIGHT-OF-WAY EASEMENT FROM MILLARD COUNTY TO KANOSH BAND OF PAIUTE TRIBE

Millard County Attorney LeRay Jackson said that the document is a request for a right-of-way across a county road for a water line. Millard County Road Department Supervisor Thayne Henrie has signed an encroachment permit.

Commissioner Smith made a motion to sign the Right-of-Way Easement from Millard County to Kanosh Band of Paiute Tribe for a water line. Commissioner Walker SECONDED. The voting was unanimous. The motion carried.

FILING OF STATEMENT OF CONFIDENTIALITY WITH CLERK'S OFFICE BY MILLARD COUNTY GOVERNMENT OFFICIALS WHO ARE INVOLVED IN PROPERTY VALUES, ETC.

Millard County Attorney LeRay Jackson said the Statement of Confidentiality documents have been signed by the Millard County government officials who deal with property values and etc. Employees from the following offices signed the documents: Millard County Assessor's Office, Millard County Auditor's Office, Millard County Treasurer's Office, Commissioner Cooper, Commissioner Smith, Commissioner Walker and the Millard County Attorney. Attorney Jackson gave the signed documents to the Millard County Clerk's Office for filing.

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

Deputy Clerk Janice Robins was on vacation.

Commissioner Smith reported he contacted UDOT to talk about the State of Utah's request for a jurisdictional transfer of some roads to Millard County. A meeting was set up on August 8, 2005 at 1:30 p.m. to discuss the issue. Thayne Henrie, Sheriff Ed Phillips and the Commissioners will attend the meeting.

All the Commissioners attended the Council of Governments Meeting on July 14, 2005 in Fillmore, Utah. The following items were discussed at the meeting.

- Update on Millard County' Comprehensive Land Use Plan
- Update on the Southern Nevada Water Authority Proposed Plan
- Update on IPA Unit Number Three
- Update on the Millard County CERT Program-Commissioner Walker
- Update on USDA Forest Service Plan Revision-Kenton Call
- Update on UDOT's Proposal to Transfer Roads Millard County
- Update on the Help America Vote Act, HAVA
- Roundtable Discussion - Mayor's Community Concerns

Delta City Mayor Bunker made a request that the county again look into assessing a restaurant tax.

Commissioner Walker met with West Millard Maintenance Supervisor Kevin Morris to investigate a water problem at the Millard County Long Term Care Center. When watering is done, some water seeps into the Delta Medical Center. The sprinkler heads will be adjusted to help with the problem. A retaining wall may need to be installed between the two buildings to prevent this from occurring again. They talked about the sprinkler system that needs to be finished as well as sod planted at the hospital and Delta City Park and at the Millard County Long Term Care Center.

Commissioner Walker talked with Todd Mullen, Golf Pro about the golfers who have credit points to redeem for merchandise at the pro shop need to take care them of by August 1, 2005.

On Wednesday, July 13, 2005 the Commissioners attended a Millard County Tourism Meeting to find an image for the County (a branding of the county). Some suggestions were "Millard County's Treasures".

Commissioner Cooper talked again to Lynn Zubeck about arranging a meeting with Fish and Game, the Commissioners, and Millard County Road Supervisor Thayne Henrie to discuss the rehabilitation work.

Commissioner Smith and Commissioner Walker will attend the Hinckley Town 24th of July celebration. Commissioner Cooper will attend the 24th of July celebration in Kanosh Town.

County Attorney LeRay Jackson had a telephone conversation with a citizen who asked whether or not the county had paid sales tax on the construction material for the Millard County

Long Term Care Center? The Commissioners discussed this question and will investigate the matter.

OTHER BUSINESS

Commissioner Walker received a letter from UAC inviting them to a tourism meeting on August 26, 2005. She will planning to attend the meeting.

Commissioner Cooper received a letter from the Department of Environmental Quality that was sent to Neil Forster in regards to the water quality at the Sunset View Golf Course. Millard County will keep Mr. Forster on a retainer to handle the water testing.

Commissioner Cooper received a letter from Commissioner Leonard Blackham, Department of Agriculture, encouraging all county weed control boards to be active and that the county weed reports need to be sent into the state. Millard County's report was not sent in 2004. Millard County is in the process of finishing up a CWMA. Commissioner Smith was asked to check with the weed control people about the reports.

Commissioner Cooper reported there are 3,370,705 acres government owned land in Millard County. Millard County will receive \$747,572.00 in PILT funds.

Commissioner Cooper said the State Court Contractual Agreement for Millard County. The total agreement for Millard County is \$182,987.00. The original copy was given to the Clerk's Office for filing.

PUBLIC INPUT

Dean Draper asked if there had been a response from the Sierra Club? The Commissioners had said there had been no response yet.

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

There were none.

WHERE UPON THE MEETING ADJOURNED

The meeting was adjourned.

Attest: _____ Approved: _____