

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 17th Day of OCTOBER 2005
AT THE COURTHOUSE, FILLMORE, UTAH

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

LeRay Jackson County Attorney
Janice Robins. Deputy County Clerk

ALSO PRESENT: Justice Court Judge Ron Hare, Grant Nielson, Merrill Nielson, Bryant Anderson, Dean Draper, Delta City Mayor Gayle Bunker, Fillmore City Mayor Starley, David Christensen, Randy Johnson, Treasurer John Hansen

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 October and November.

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 made a statement and then said the invocation. Everyone stood and said the Pledge of Allegiance to the Flag.

FOLLOW UP ACTION ITEMS FROM MINUTES OF OCTOBER 3, 2005

There were none.

APPROVAL OF THE AMENDED MINUTES OF OCTOBER 3, 2005

Commissioner Smith made a motion to approve the amended minutes of October 3, 2005 and Commissioner Walker 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.

An invoice for \$560.00 from Holden CERT Team and an invoice from Delta City CERT Team for \$45.31 were turned in for payment. Auditor Grace is keeping track of the balance in each account to make sure the payments stay within the allocations made by the County.

The Commissioners approved an invoice dated September 9, 2005 from Finishing Touch Auto Body for repairs to the care center's van in the amount of \$787.63.

Attorney LeRay Jackson said that the liability insurance payment from UCIP for \$139,000 is due and gave the invoice to the Auditor for payment with the Commissioners' approval.

An invoice from Sound Unlimited for a door at the County Attorney's Office that was coded to equipment will now be made as a line item and paid out of Capital Projects.

Commissioner Walker said that a bill had been given to Deseret Hinckley Cemetery District for \$464.60 for work done by the prison crew. She had told them it was her understanding they would not be charged.

Commissioner Walker made a motion that based on a prior commitment, the County will waive the payment for work done by the prison crew for Deseret Hinckley Cemetery District.

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

For future reference, the Auditor's Office checked out the policy for use of the prison crew and other taxing entities have been charged for services rendered by the prison crew.

An invoice for \$68,260.00 for extras at the communication towers was turned in. The invoice had been signed by the Sheriff's Office. It was approved for payment by the Commissioners.

Auditor Grace gave special thanks to her office staff and the two maintenance departments for their help with the Millard County Surplus Auction on Saturday, October 15, 2005. She reported the County took in just under \$30,000.00 and after advertising and other expenses were taken out there was a net profit of \$25,000. The sale was a great success. Auditor Grace recommended that this be an annual event or be held every other year if items are accumulated.

The Commissioners informed the Auditor that they would be meeting today with George Ann Probert and Paulette Staples to discuss health insurance options and COLA rates for County employees.

Auditor Grace gave the Commissioner Smith the green Check Edit Report of October 14,

2005 for all the Commissioners to review and sign.

Commissioner Cooper said that the Central Utah Public Health quarterly assessment for October, November, December for \$13,572.50 is due. Included in the contract is the Delta Office rent agreement bill for \$1,800, the Fillmore Secretary agreement for \$4,279.52, and the additional nursing pay agreement for \$6,001.50. The Commissioners authorized the Auditor to pay the CUPHD assessment. The Commissioners had a request from Mr. Resendes to find another location for the Delta Office because the rent is being raised at the present location.

JUSTICE COURT JUDGE RON HARE-DISCUSSION ON FEASIBILITY OF MISDEMEANOR DRUG AND DUI COURT

Justice Court Judge Ron Hare brought before the Commissions the idea of having a Misdemeanor and DUI Court in Millard County. He attended a training seminar on the subject on September 29, 2005. There are two DUI Courts in Utah, one in Taylorsville and one in Clearfield. The program is a way to weekly monitor individuals who are charged with either a DUI or misdemeanor to see if they are doing what they were ordered by the court to do. He asked the Commissioners if Millard County would be interested in setting up this program in Millard County. He said there may be federal and state funds available to help in setting up and running the program. After discussing the pros and cons of the issue, the Commissioners authorized Judge Hare to go a head and work up the details of initiating the program and bring the figures before the Commission at a later date.

GRANT NIELSON-DISCUSSION OF PLANS FOR THE GREAT BASIN HISTORICAL SOCIETY

Grant and Merrill Nielson talked about the operation of the Great Basin Museum and their goal to preserve the history of the County. They requested an additional five hundred dollars (\$500.00) from Millard County Tourism in 2006. They expressed their appreciation for the help from the County (\$22,500.00) towards the \$75,000 needed to purchase the land. Now they would like to build a new building approximately 6,000 square feet. They proposed \$50,000 from the County for the next two years to help with plans and designs. They have asked for help from Delta City, but have not received a commitment yet. They also said that the part time help (Cindy) at the museum is a vital part of museum operation and she has not ever received an increase in pay.

The Commissioners agreed to talk over the situation and get back in touch with Mr. Nielson.

BRYANT ANDERSON-RENEWAL OF RADIO MAINTENANCE CONTRACT

Bryant Anderson went over the proposed radio maintenance contract for 2006. He said there are a few changes in this year's contract because of changing needs in the various departments. There is an increase of nearly six thousand dollars \$6,000 from last year's contract.

The Commissioners authorized Attorney LeRay Jackson to write up a new Radio Maintenance Contract and have it signed by Mr. Anderson and then bring it before the Commission.

REVIEW AND POSSIBLE APPROVAL OF AN AGREEMENT BETWEEN MILLARD COUNTY AND UTAH HIGHWAY PATROL TO ENFORCE TRAFFIC LAWS ON STATE ROADS AND HIGHWAYS IN MILLARD COUNTY

Attorney Jackson presented three copies of agreement for to the Commissioners approval. Commissioner Walker made a motion to sign the agreement between Millard County and Utah Highway Patrol to enforce traffic laws on State Roads and Highways in Millard County.

Commissioner Smith SECONDED with discussion. The voting was unanimous. The motion carried. Two copies will be given to the Sheriff's Office and one copy filed in the Clerk's Office.

REQUEST FOR COMMISSION WAIVER FOR USE OF FAIR BUILDING BY CRAIG NIELSEN FOR NRA

Attorney Jackson said that about 40 to 45 percent of the funds made by the National Rifle Association are used for youth programs in the County. Funds were used for the gun safety training in the county, 4-H and Boy Scouts shooting events and sending Priscilla Thompson to YES, the Youth Education Summit in Washington, D.C.

Commissioner Walker made a motion to waive the fees for the use of the fair building for the NRA by Craig Nielsen.

Commissioner Smith SECONDED. The voting was unanimous. The motion carried. The Commissioners will review the waiver policy for 2006.

APPROVE BORROWING WITHIN COUNTY FUNDS FOR GENERAL FUNDS

Commissioner Walker made a motion to authorize borrowing funds as needed from the Capital Projects funds to be used for County General operations between now and the end of the year when final taxes are collected, up to the amount of four million dollars.

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

A meeting to discuss financial status will be set up with the Millard County Treasurer, Millard County Auditor and Millard County Commissioners.

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

Millard County Clerk Norma Brunson was excused for court duty.

On October 5, 2005 Commission Walker attended the Delta Chamber Board Meeting.

On October 6 and 7, 2005 Commissioner Walker and Commissioner Cooper attended the Utah Cities and Leagues Water Conference in Springdale, Utah. Pat Mulroy, SNWA, Southern Nevada Water Authority General Manager spoke on the conservation efforts in Las Vegas, Nevada.

White Pine and Utah officials refuse discuss proposed underground water wells in Snake Valley and Spring Valley with her but they will remain dogit as they have no where else to go.

Commissioner Walker talked with an ad hoc group formed by the Hinckley Deseret Cemetery District on October 11, 2005 to discuss concerns with Hinckley Cemetery. Neil Swenson was the spokesman for the group.

All the Commissioners met to review budget requests on Wednesday, October 12, 2005.

In the afternoon the Commissioners met with Don Knight and discussed his concerns about dairy recruitments, roads, zoning issues. The Commissioners spoke to the general membership at the Chamber of Commerce Meeting. They presented an update on County issues that the Commissioners are currently involved with.

That evening Commissioner Walker attended a Millard County Tourism Meeting. Utah.com gave a presentation on developing potential tourism website and branding of Millard County. It was a very productive meeting.

On Thursday, October 13, 2005 Commissioner Walker attended the Hinckley Deseret Cemetery Meeting. The discussion was on the past practice of dividing tax revenue equally and maintaining separate accounts. They discussed the possibility of splitting the district and having Hinckley Town assume the responsibility of the cemetery. The board decided to keep the district rather than divide it. They will dissolve the separate accounts and have one account and use the funds as an "as needed basis" for the Deseret or Hinckley Cemetery. Right now the Hinckley Cemetery has the greatest need.

On October 14, 2005, all the Commissioner Walker visited the Sunset View Golf Course to see the bunkers redo on number six on Friday.

Commissioner Walker reported that they are still looking for a Miss Millard Pageant co-director, primarily to work with the contestants and direct pageant night.

On October 11, 2005, all the Commissioners met with Senator Leonard Blackham, Utah Department of Agriculture and Food Commissioner who toured the Nye Dairy, Oasis Seed Plant, Greg Kesler's Ranch, and the Wright Dairy and they discussed agricultural programs and concerns.

Commissioner Smith visited with Elwin Johnson about a subdivision he will be presenting to Millard County Planning and Zoning. The County had acquired some property from him around the reservoir about 1990. In the land trade there was a request for the County to build a road. They are now ready for the County to build the road. The Clerk's Office was asked to see if an agreement is on file.

Scott Munsen from UDOT would like to meet with the Commissioner Smith today to discuss the road transfer program. The road from Meadow to Kanosh and back to the freeway and the IPP Road are still being considered for a jurisdictional transfer. Commissioner Smith said that the money still was not there to maintain the roads and the County thought the idea of the road transfer

was dead.

Commissioner Smith said that there needs to be another person appointed to the Water Conservancy District Board.

Commissioner Smith talked to some people in Calio about the water issue in the west desert. They appreciate Millard County's support and involvement with this issue.

Commissioner Cooper and Fillmore City Mayor Starley attend the Six County AOG Meeting in Richfield, Utah.

Commissioner Cooper attended the Public Lands meeting.

John Harja, Val Payne, Frank Faye meet with the Commissioner in Cedar City, Utah to see if Millard County has any concerns about how the Forest Plan Revision is coming thus far. Millard County does have some concerns about access to the forest. There are several access roads in the County that are locked up by private owners. The County is in opposition that Corn Creek is still being considered as "wild and scenic river". If that issue goes any further the issue will become part of the Governor's petition process after the planning is done. Another concern is what happens to the Beehive Peak back county in Sevier County that borders Millard County will affect Millard County.

A USDA Forest Service tour will be taking place on October 24, 2005 and the Commissioners should be represented at that meeting.

Commissioner Cooper talked with Chris Sanders about a decision that USU has made concerning Jim Stevens. Mr. Sanders has arranged a meeting with USU to discuss the issue.

All the Commissioners attended the 4-H Extension dinner and report.

Commissioner Cooper said he talked with Lisa Johnson Spencer about a law enforcement issue she is planning to discuss with the Millard County Attorney.

OTHER BUSINESS

Commissioner Walker made a motion to waive the fees for use of the fair grounds for the Emergency Preparedness Expo on November 11 and 12, 2005 requested by Rex Stanworth.

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

Commissioner Walker made a motion to deny waiving the fees for the use of the indoor arena in Fillmore for a fund raiser the Catholic Church to help in El Cuidado Mexico requested by Eladio Gomez and Antonio Alcalá. This would set a precedent from current policy.

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

PUBLIC INPUT

Mayor Gayle Bunker said that it is time for the law enforcement contract to be renewed. He gave a brief history of the contract as he understands it. About three years ago Delta City Mayor Bunker and Fillmore City Mayor Starley determined that those two cities were being double taxed for the law enforcement. Their citizens pay a city tax as well as a county tax for law enforcement. Millard County reduced the contract 50 percent the first year and 40 percent the second year and this was very much appreciated. The cities still feel that there is double taxation and would like to negotiate a 40 percent reduction again this year and make a few changes to the contract such as making it a multiple year contract. They feel that whatever the county offers for insurance and COLA they have to offer their employees. They budget the city funds from July 1 to June 30 and have already done their budget for this year and can't afford any increase in the law enforcement contract. If there is an increase they may be forced to reduce services.

Randy Johnson gave an update on the Washington County's Comprehensive Land Use Plan. He along with the group are working on the basic language and the GIS people are gathering information. They are being extremely careful to every detail and they will not file the comprehensive land use plan this late in the year. It should go to the Senate in early spring and the House a little later. Whatever happens to the Washington County Comprehensive Land Use Plan will affect Millard County. Millard County may be ready to file by the summer of 2006. Senator Hatch and his staff are willing to take the legislation on behalf of Millard County.

Mayor Starley asked what the perimeters are for the comments from the city and others.

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 12:35 p.m..