

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 17th DAY OF APRIL 2006
AT THE COURTHOUSE, FILLMORE, UTAH

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

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

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 April and May 2006.

PUBLIC WAS WELCOMED

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

OPENING STATEMENTS

Commissioner Walker asked if anyone had an opening statement to give? Commissioner Cooper read a quote from Mahatma Ghandi. Commissioner Smith read a quote from Abraham Lincoln. Commissioner Secretary Janice Robins read quotes from Thomas Mann and John F. Kennedy and then said the invocation. Everyone stood and said the Pledge of Allegiance to the Flag.

FOLLOW UP ACTION ITEMS FROM MINUTES OF APRIL 10, 2006

Commissioner Walker had an update on a motion made at last weeks meeting. She had received a letter and an application from James Todd for a property tax abatement. He expressed in his letter that he had extreme financial and health issues. He owns a second piece of property that is land locked and only .04 acre and it connects to his primary residence.

Commissioner Smith made a motion to accept the application for a property tax credit and notice of tax settlement for James K. Todd.

Commissioner Cooper SECONDED the motion. The voting was unanimous. The motion carried. The action to be taken will be to waive the penalty and interest, abate all penalty and

interest and ½ the base tax amount and pay by October 31, 2006, the remaining ½ plus \$100.00 per parcel for the advertising and the title search. The letter and application were given to Treasurer Hansen and copies will be on file in the Millard County Clerk's Office.

APPROVAL OF THE AMENDED MINUTES OF APRIL 10, 2006

Commissioner Smith made a motion to approve the amended minutes of April 10, 2006.

Commissioner Cooper SECONDED the motion. The voting was unanimous. The motion carried.

AUDITORS REPORT

Auditor Brandy Grace was excused. Chief Deputy Auditor Bonnie Gehre gave the Commissioners various invoices to review and approve for payment through the Auditor's Office.

An invoice for \$1,500.00 for Randy Johnson, public lands consultant and facilitator was approved. Two invoices for capital communication projects from the Sheriff Office were approved.

Chief Deputy Gehre gave the Overtime Reports for April 14, 2006 to the Commissioners to review and gave them the Check Edit Report of April 14, 2006 to review and sign.

Commissioner Smith reported that James Morrison is retiring from the road department. He will be finishing his last days using his accumulated vacation and comp time. He will use his sick leave for payment of health insurance. The Commissioners recommended that someone replace him so not to leave the road department short handed. The last two retirees position have been left vacant. The job will be advertised both in and out of house at the same time.

POSSIBLE EXECUTION OF THE HOLD HARMLESS AGREEMENT WITH THE LDS CHURCH ON USE OF CHURCH OWNED FACILITIES

Attorney LeRay Jackson said this is the same type of agreement that is signed each year with the LDS Church that states the county has insurance and hold them harmless on use of church facilities.

Commissioner Cooper made a motion to execute the Hold Harmless Agreement with the LDS Church on Use of Church Owned Facilities.

Commissioner Smith SECONDED the motion. The voting was unanimous. The motion carried. Three copies were signed. Copies will be one file at the LDS Church Office, Millard County Recreation Department and the Millard County Clerk's Office.

RATIFY THE APPOINTMENT OF MARLENE BLISS TO SERVE ON THE HINCKLEY DESERET CEMETERY BOARD

Commissioner Smith made a motion to ratify the appointment of Marlene Bliss to serve on the Hinckley Deseret Cemetery Board.

Commissioner Cooper SECONDED the motion. The voting was unanimous. The motion carried.

SET A DATE FOR A PUBLIC HEARING FOR APPROVAL OF AN ORDINANCE TO AMEND THE ZONING MAP OF MILLARD COUNTY CLASSIFYING A PORTION OF THE UNINCORPORATED AREA CLASSIFIED AS RANGE AND FOREST TO HIGHWAY COMMERCIAL-REQUESTED BY CLINTON AND DONNA QUARNBERG

Commissioner Cooper made a motion to set a date of May 15, 2006 at 11:00 a.m. for a public hearing for approval of an ordinance to amend the zoning map of Millard County classifying a portion of the unincorporated area classified as range and forest to highway commercial-requested by Clinton and Donna Quarnberg.

Commissioner Smith SECONDED the motion. The voting was unanimous. The motion carried. The notice will be sent to the newspaper for advertising by the Clerk's Office.

CHIEF DEPUTY COUNTY ATTORNEY BRENT BERKLEY-UPDATE ON RHOADE'S CASE

Present were Brent Berkley and John Holliday.

Chief Deputy County Attorney Brent Berkley asked to have a motion made to go into a closed executive session to discuss pending litigation.

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

Commissioner Cooper made a motion to go into a closed executive session.

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

A motion was made by Commissioner Smith to go into a second closed session to discuss a personnel issue.

The motion was SECONDED by Commissioner Cooper. The voting was unanimous. The motion carried. After the two closed session the meeting continued.

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

On Wednesday, April 12, 2006 Commissioner Smith attended the Water Conservancy District Board meeting. The main topic of discussion was the problem some residents are having to prove ditch easements. Justin Louder talked about the civil problem he was having. They discussed some of the ways in the future to deter landowners from entering litigation with each other. They suggested that easements be put of record officially in the general plan. Perhaps a resolution could be created stating that irrigation systems are important to Millard County and change the language to reflect that in the general plan. Maps of water appropriation on the land and data on land are available at the FSA and NRCS and canal companies. The Water conservancy Board will

meet again in one month and work on the language issues. The board is requesting that the county come up with a resolution to be approved.

Commissioner Smith said that the road department has finished the spraying of MagChloride on the west side roads and will be moving to east side to spray the scheduled roads. Project cut backs have been made and any issues with that plan will be referred to the Commissioners.

All the Commissioners attended the Chamber of Commerce luncheon where State Senator Tom Hatch talked.

Commissioner Smith attended a meeting with the USDA Forest Service and went over the maps. Copies were given to Millard County. One of the maps is the transportation system and the designation of areas of the Forest Service plan. They are available for review.

All the Commissioners met with Delta City Mayor Bunker and Delta City Attorney Richard Waddingham to discuss the law enforcement contract between Millard County and Delta City. The Commissioners reviewed with them the total cost of 24 hour coverage for Delta City and offered the best deal the county could give. Attorney LeRay Jackson said he had talked to a councilman and Delta City would be reviewing the cost of 24 hour coverage vs an 18 hour coverage. The city will get back to the county with their decision.

Commissioner Cooper and Commissioner Walker attended a meeting with the Forest Service and State Trust Lands and talked about the Comprehensive Resource Management Plan. It was a very productive meeting.

All the Commissioners attended a Forest Service planning meeting with District Manager Liddy Allen and Planning Supervisor Kenton Call.

Commissioner Cooper spoke to Lynn Zubeck, DWR, Division of Wildlife Resource, about getting an agreement ready for the rehabilitation on the DWR canal and adjacent area. Attorney Jackson was asked to draft a contract to be signed with the total amount \$5,697.72 and a commitment to have the prison crew to do the labor. The contract will be sent to the State Division of Wildlife Resources Office.

Commissioner Cooper said he is aware of three requests for roads to have MagChloride sprayed on them. One is a one mile long road by the Neil Ashton Ranch, the second request was for the road between Delta and Flowell west of Foutz and Kelby Swallow and third the road by Julie Robison's house. All of these roads are bus routes. Commissioner Smith said that the road department had \$215,000 budgeted for Mag Chloride and they have spent \$135,000. They will check to see if any of these three roads are on this year's schedule. If there is money left over when the projects are finished they will consider spraying the roads in the following order: Julie Robison's road, Neil Ashton Ranch road, and then the Delta Flowell road by Kelby Swallow.

All the Commissioners, Scipio Mayor Quarnberg, Holden Mayor Bennett and Fillmore City

Mayor Christensen met on Monday, April 10, 2006 following Commission meeting with Jan Thompson and Terry Lisonbee to discuss the closure of the Workforce Services Office in Fillmore. A decision was made that Workforce Services would work with Fillmore City to keep the office open one day a week if details for office space can be worked out.

Commissioner Cooper and Commissioner Walker participated in a discussion at the Center for the New West on relations between the BLM and the the county's concerns about lack of contact with the Forest Service on their revision plan. One of the reasons for the lack of contact was the Forest Service is trying to sort out their planning process. Also expressed were concerns about the back country designation, because it is felt that this would be a precursor to wilderness, and the concerns of the Corn Creek being considered for a wild and scenic designation. The Commissioners were assured that the chance of Corn Creek being chosen for designation is very slim, but it is still on the plan.

Dean Draper asked is why the language with Corn Creek being considered for a wild and scenic river is being left in if it hasn't got a good change of being chosen? The Commissioners said that it is in the suitability stage but the Commissioners do not want it considered anyway. After the forest revision plan is done and if the Corn Creek is left on it will be part of the governors petition process to strike it.

Millard County Attorney Jackson attended the UCIP , Utah Counties Insurance Plan meeting on Wednesday, April 20, 2006. The main topic of the meeting was the discussion of liability issues when off duty law enforcement officers use county owned vehicles with passengers. UCIP will be making some changes regarding use of a county owned vehicles with passengers and as well as other issues.

Millard County Clerk Norma Brunson reported the Clerk's Office had been given notification of a petition for a West Delta Annexation into Delta City.

OTHER BUSINESS

Millard County Clerk Norma Brunson advised the Commissioners that she in her capacity as the county clerk had signed a grant at the request of Sandra Nielson to fulfill a HAVA requirement. The bids had been acquired by Sandra Nielson, but a county clerk had to pass on them.

Millard County Clerk Norma Brunson told the Commissioners that she would like to have the unincorporated areas of the county with under 500 voters classified as permanent absentee locations. Those areas are: Abraham, Deseret-Oasis, Flowell, and Garrison. It would reduce the number of people who had to be trained and lessen election costs. The registration agents in those areas will be retained. Clerk Brunson said that statistics show in the areas where voters have been mailed a ballot, a higher percentage of voters cast ballots. The Commissioners authorized the Clerk to proceed with that arrangement. Clerk Norma Brunson will give the public notification in the newspapers.

Commissioner Cooper received a letter from the Central Utah Public Health inviting the Commissioners to attend the Pandemic Flu Summit at Snow College in Richfield, Utah on June 13,

2006 at 9:00-4:00.

Commissioner Walker reported the bill for propane at the old care center is \$4,000. The building is being held for a sale to Justin Nielson but as of today's date there have been no payments made. The Commissioners discussed that a deadline should be set and a payment and a payment schedule taken should be care of by May 1, 2006. Attorney Jackson will contact Justin Nielson and tell him of the Commissioners decision. Commissioner Walker said that soon there will be other bills due for mowing and etc. The Commissioners authorized the payment to be made on the propane invoice.

Commissioner Cooper received a notification letter from UDOT telling of some funding on a state pedestrian program. This would be for the cities and they should have been notified.

Commissioner Smith reported that correspondence had been received from the State Engineer of Nevada stating that Michael J. Van Zandt, MCQUAID BEDFORD & VAN ZANDT. LLP who is admitted to the State Bar of Nevada, but does not maintain an office in the State of Nevada, hereby associates PAUL G. TAGGART, LAW OFFICES OF KING AND TAGGART, LTD, Carson City, Nevada, pursuant to Nevada Supreme Court Rule 42.1 in the above-captioned matter. The letter is on file in the Clerk's Office.

PUBLIC INPUT

There were none.

WHERE UPON THE MEETING ADJOURNED

Commissioner Cooper made a motion to adjourn the meeting.

Commissioner SECONDED the motion. The voting was unanimous. The motion carried. The meeting adjourned at 12:20 p.m..

NOON MOCK INTERVIEW WITH MISS MILLARD

The interview was postponed until next week.

Attest: _____

Approved: _____