

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 5th DAY OF JUNE 2006
AT THE COURTHOUSE, FILLMORE, UTAH

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

Norma Brunson County Clerk
LeRay Jackson County Attorney
Sheryl Dekker. Commission Coordinator

EXCUSED: 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.

9:30 A.M. COUNTY COMMISSION COORDINATING SESSION REGARDING FUTURE SCHEDULES, MEETINGS, ETC.

The Commissioners scheduled events for the month of June 2006.

10:00 A.M. PUBLIC IS WELCOMED

The meeting began at 10:00 a.m. after a brief welcome by Commissioner Walker to those present.

OPENING STATEMENTS

Commissioner Walker asked if anyone had an opening statement to give. Commissioner Smith read a quote from Thomas Jefferson. Commissioner Cooper said the invocation. Everyone stood and said the Pledge of Allegiance to the Flag.

FOLLOW UP ACTION ITEMS FROM MINUTES OF MAY 22, 2006

There were none.

APPROVAL OF THE AMENDED MINUTES OF MAY 22, 2006

Commissioner Cooper made a motion to approve the amended minutes of May 22, 2006. Commissioner Smith SECONDED the motion. The voting was unanimous. The motion carried.

AUDITORS REPORT

Auditor Brandy Grace presented the overtime sheets for employees for the last two pay periods. The June 2 and May 26 check edit reports were presented for commission approval.

Auditor Grace asked the commissioners to set a date and time for setting tax rates for 2007. Tax rates have to be set by June 22. The meeting was set for Monday, June 12 after lunch.

LYNNETTE MADSEN, MISS MILLARD PAGEANT DIRECTOR - DISCUSSION

Lynnette Madsen presented the commissioners with sheets showing the cost of having Miss Millard compete in the Miss Utah Pageant at a cost of \$2,780 above the costs to the contestant as follows:

Franchise	\$560.00	
Program Book	350.00	
Production Outfit	125.00	
Dress Allowance	500.00	
Little Miss Program	350.00	
Miss Utah Tickets	300.00	
Misc. Expenses	120.00	mileage, food, lodging for Miss Spring and
Gala	<u>120.00</u>	Fall workshops
	\$2,780.00	

Lynnette Madsen reported that the current Miss Millard, Christie Petersen, has gone out to local businesses and received about \$1,600 in scholarships from local businesses to compete in the Miss Utah Pageant. Ms. Madsen reported that, historically, contestants would need to have competed at Miss Utah at least three times to be a viable contender in the pageant, and it is unrealistic to expect Millard girls to win at Miss Utah. She said it only costs \$5.00 to send a girl to Utah State Fair Pageant. This is a good experience and the winner is sponsored by the Utah State Fair to compete in Miss Utah. There are additional savings which could increase the scholarship money for the contestants and do a better job with the Miss Millard pageant. She also feels that it is positive to keep our queen close to home doing civic service, and reward her more for winning.

It was noted that one-third of the Miss Millard budget is currently going to the Miss Utah Pageant. She said that Sevier County has also dropped out, and that other rural counties are looking at it. The Miss Utah people are not pleased with Sevier County's decision. Lynnette Madsen reported that she helped judge the Iron County Pageant last weekend and they are also considering dropping out of Miss Utah.

Miss Millard and Miss Utah are currently subject to all the rules of the Miss America Pageant, and they have changed the way judging is done. They have insisted that the swimsuit portion of the competition be on-stage the evening of the pageant. She said that she would hate to see a girl drop out because of that requirement, and many would. Her proposal would put Miss Congeniality back into our local pageant.

Ms. Madsen proposed that Millard County drop the Miss Utah Franchise and increase

participation in the Miss Millard Pageant by raising the scholarship amounts.

Queen Scholarship would rise from \$1,000 to \$2,250

1st Attendant would rise from \$500 to \$1,000

2nd Attendant would rise from \$300 to \$700

The balance of the savings would be absorbed in making the pageant more desirable to compete.

Commissioner Cooper made a motion to approve Ms. Madsen's recommendation to drop out of the Miss Utah Pageant next year, and change the format for the Miss Millard Pageant as mentioned above. Commissioner Smith seconded the motion. There was no further discussion. The motion carried by a unanimous vote.

REVIEW AND POSSIBLE EXECUTION OF LOCATION AGREEMENT BETWEEN MILLARD COUNTY AND PARADE MOVIE REGARDING USE OF MILLARD COUNTY FAIRGROUNDS AND WEST MILLARD SWIMMING POOL

Commissioner Smith made a motion to approve the agreement for use of Millard County facilities and some off-duty deputies June 5 through June 9. The motion was seconded by Commissioner Cooper. The motion carried without opposition.

MILLARD COUNTY CLERK NORMA BRUNSON REVIEW AND POSSIBLE APPROVAL OF COURT CONTRACT

Commissioner Smith made a motion to approve the contract with the Utah Fourth District Court in Millard County. The motion was seconded by Commissioner Cooper. The motion carried without opposition.

10:30 a.m. PUBLIC INPUT

Public Input was moved to this time slot in lieu of the Public Hearing at 11:00

Jane Beckwith and Susan Stefanoff, representing the Topaz Museum, discussed the purchase of property at the Topaz Internment Camp site. There are two pieces of property from the original internment site which the museum still does not own. They have been trying to acquire that property to protect its heritage and historic value. A Mr. Thornton owns 13.21 acres at the site where a small pink house is located. There are power and a well at that location. The Thorntons live in Syracuse and come down some weekends to recreate.

The Topaz Museum Committee is looking at 80 acres which is owned by Millard County and was acquired for delinquent back taxes for trade with the Thorntons to obtain the Topaz property. The property number is HD 3467.

Ms. Beckwith noted that the Conservation Fund is an organization that purchases property in an effort to protect it because of its historic value. The Conservation Fund has been negotiating with Mr. Thornton for an appraised value for value deal on the property. The commission agreed that Ms. Beckwith should continue to negotiate with Mr. Thornton on the trade of properties. Ms. Beckwith is working to have the Topaz site designated as a National Historic Landmark.

OTHER BUSINESS

Other Business was moved to 11:45 in lieu of the Public Hearing at 11:00 a.m.

County Attorney LeRay Jackson stated that Sherry Nickle has applied for a waiver of the fee to use the County Fair Building for the patriotic program for the Fourth of July Celebration. Commissioner Cooper made a motion to approve the waiver for the full amount. The motion was seconded by Commissioner Smith. The motion carried without opposition.

County Clerk Norma Brunson asked for a fee waiver for a booth at the Millard County Fair for a demonstration of the electronic voting machines. Commissioner Walker noted that any subdivision of the county is not required to pay a booth fee at the fair.

Commissioner Walker presented the Resolution to Support Application to Create an Economic Development Zone in Millard County for Brush Resources that was tabled from last week's meeting. The agreement requires a tangible local incentive from Millard County. Economic Director Gary Church suggested that waiving the building permit fee in the amount of approximately \$15,000 could be considered a local incentive.

Commissioner Walker entertained a motion to approve the resolution that only includes the property at Brush Resources for this Economic Development Zone. Commissioner Smith made a motion to approve the Resolution Creating an Economic Development Zone at the Brush Resources site and commit to providing some type of local incentive up to \$15,000. The motion was seconded by Commissioner Cooper. The motion carried without opposition.

Commissioner Smith reported that he has received a letter and map from State School and Institutional Trust Lands Administration (SITLA) listing two parcels of property where seismic testing has been approved to occur in Millard County.

Commissioner Cooper has received a letter from NACo (National Association of Counties) indicating that the annual dues for 2007 will be \$400. The letter stated that NACo attempts to keep the dues affordable for rural counties.

11:00 A.M. PUBLIC HEARING TO APPROVE AMENDMENTS TO THE MILLARD COUNTY CODE TO INCLUDE CHANGES TO THE MILLARD COUNTY LAND USE ORDINANCES

Commissioner Cooper made a motion to open the above public hearing. The motion was

seconded by Commissioner Smith. The motion carried.

Chief Deputy County Attorney Brent Berkley was present to report on the *Millard County Code* which has now been completed. There was a correction to the tax sale section and the zoning regulation, Title 10 Chapter 4, which was in error in the original document. There were also some changes in the land use matrix regarding gravel pits which are now permitted as a conditional use. In Title 6, Chapter three there were some changes to the night hunting ordinance. Millard County's ordinance was changed to concur with state statutes. Recreational night hunting is prohibited in Millard County. Other minor changes were reported by Mr. Berkley with regard to the organization of the Planning and Zoning Commission which prohibits a county commissioner from being a voting member of the board, and zoning for sexually oriented businesses.

Mr. Berkley noted that the "official" code should be located in the County Clerk's Office, so that any contradictions in dates or ordinances can be easily resolved.

Mr. Jackson will prepare an ordinance for adoption of the *Millard County Code* as an agenda item for June 12.

Commissioner Cooper made a motion to move out of the Public Hearing. The motion was seconded by Commissioner Smith. The motion carried without opposition.

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

Commissioner Cooper reported on the attendance of all the commissioners at a meeting with the White Pine County Commissioners in Baker, Nevada on May 22. The meeting was held primarily to discuss the application by Southern Nevada Water Authority (SNWA) for water in Spring Valley and Snake Valley. A representative from USGS was present with a power point presentation showing the results of the studies they have conducted thus far.

Commissioner Cooper reported on the May Tax Sale on May 25 which took place at the old County Courthouse along with Attorney LeRay Jackson, Treasurer John Hansen, Assessor Jim Talbot, and Auditor Brandy Grace.

Commissioner Cooper reported on his attendance at the Public Health meeting in Richfield. He will report on that meeting during an executive session this date.

Commissioner Smith reported on the RS2477 meetings held on May 23 and 24 with representatives from the Attorney General's Office, Thayne Henrie, Leon Smith, Sheryl Dekker, and Adam Britt. The meetings were held to document and identify the Class B roads in Millard County in an effort to come to an agreement on ownership of those roads.

Commissioner Smith reported on his attendance at the Mental Health Authority Board on May 24 in Richfield. He said they completed the budget process for 2007.

Commissioner Smith met with the Road Department this morning for their monthly safety training meeting. Attorney Jackson stopped by and clarified what is needed from UCIP (Utah Counties Insurance Pool) to get a full refund by properly reporting the training meetings they have at the Road Department. They discussed safety issues regarding work on public roads. Commissioner Smith expressed appreciation for the work that the Road Department does.

Commissioner Smith reported on a conversation with a BLM representative regarding a culvert that has been washed away near the Gunnison Bend Massacre site. The West Millard Mosquito Abatement Special Service District has expressed concern about safely spraying in that area. The representative from BLM stated that he did not see it as a high priority. Commissioner Smith emphasized that there is a serious safety issue involved with West Nile Virus. As a follow-up, Thayne Henrie met with an engineer from BLM to determine what work needs to be done.

Commissioner Walker attended the MEDA (Millard Economic Development Association) meeting on May 25. She mentioned that the board members are going to take a half day trail ride on Wednesday, June 21, during the morning as a show of support to the ATV Jamboree.

Commissioner Walker said she participated in a Meth Task Force conference call. They discussed emergency medical personnel exposure to meth chemicals and how to deal with real property when a meth house has been discovered.

Commissioner Walker attended the Millard County Jr. Livestock Show and Banquet. She said there were 388 participants at the banquet, 100 more than last year. The Livestock Show was well attended and appeared to be a great success. She expressed appreciation to the stock show committee members who worked on that event.

Commissioner Walker said that she spoke with Connie Christensen, Millard County Fair Director. She reported that they have decided to cancel the Horse Show due to weak participation in the Horse Show. She reported that Steve Draper is going to sponsor a Ranch Rodeo in lieu of the Horse Show.

Commissioner Walker stated that all three commissioners received a letter from Julie W. Robison of Flowell requesting magnesium chloride treatments on the road at 1200 North intersecting off 1600 west which encompasses approximately one mile of road. Ms. Robison said that this has been a school bus route for more than twenty years.

Commissioner Smith said that he has received applications from the Governor's Office of Planning and Budget to help with Millard County's CRMP (Comprehensive Resource Management Plan).

Commissioner Walker reported on a letter received from Brent Gardner, Executive Director of UAC (Utah Association of Counties). Mr. Gardner reported on the Department of Corrections' proposal for housing state inmates. He indicated that the plan provides for a fifty-bed expansion in Gunnison at the State Prison and 100 beds in 2014 for women. He suggested that any

county other than Sanpete should not include beds for contracting with the State in jail expansion projects. He reported that the state's plan is incomplete because it does not include county beds for state inmates. Commissioner Walker reported that this would validate their decision not to approve an expansion to the Millard County Jail.

Sheryl Dekker, Commission Coordinator, reported on the Millard Cooperative Weed Management Area (CWMA) meeting of May 24. The meeting focused primarily on funding sources for the organization and developing a Strategic Plan for 2007.

Commissioner Cooper reported that Mont Kimball contacted him to say he was pleased with the cattle guard that was placed on his property and the property owned by the Paiute tribe. He expressed his compliments to Road Department for a job well done. It should be noted that the Millard County Road department installed the cattle guard, and the private property owners paid for the materials as has been done in the past.

Commissioner Cooper announced the results of the Days of the Old West Rodeo Queen Contest. He reported that the queen is Michelle Bogue, daughter of Kevin and Julie Bogue and Mike and Shelly Anderson. First Attendant is Kirby Nielsen, daughter of Kim and Alyna Nielsen. Second attendant is Jessica Tolbert, daughter of Jennifer and Bryce Tolbert. Commissioner Cooper expressed his congratulations to the royalty, and his appreciation to the rodeo committee. He said the Days of the Old West Rodeo will be held on June 15-17.

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

Commissioner Cooper made a motion to go into executive session to discuss pending litigation and the character and competence of an individual. The motion was seconded by Commissioner Smith. The motion carried without opposition. The commission went into executive session at 11:35 a.m.

A motion to adjourn the executive session was made by Commissioner Cooper at 11:55 a.m. The motion was seconded by Commissioner Smith. The motion carried and the executive session was concluded.

ADJOURNMENT

Commissioner Cooper made a motion to adjourn the meeting. Commissioner Smith SECONDED the motion. The voting was unanimous. The meeting adjourned at 12:00 p.m.

Attest: _____ Approved: _____