

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 12th DAY OF JUNE 2006
AT THE COURTHOUSE, FILLMORE, UTAH

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

Norma Brunson Millard County Clerk
LeRay Jackson Millard County Attorney
Sheryl Dekker. Commission Coordinator
Brandy Grace. Millard County Auditor
Anthony Fuller. Citizen
Jerald Anderson. Citizen
Dean Draper. Reporter for Millard County Chronicle Progress

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 months of June and July 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 Cooper noted that the 222 (Triple Deuce) Unit of the Utah National Guard have begun to return home from Iraq. Commissioner Cooper thanked the Triple Deuce for their wonderful service in fighting terrorism. Their contribution has been very heroic. Commissioner Smith said the invocation. Everyone stood and said the Pledge of Allegiance to the Flag.

FOLLOW UP ACTION ITEMS FROM MINUTES OF JUNE 5, 2006

There were none.

APPROVAL OF THE AMENDED MINUTES OF JUNE 5, 2006

Commissioner Smith made a MOTION to approve the amended minutes of June 5, 2006. Commissioner Cooper SECONDED the motion. The voting was unanimous. The motion carried.

PUBLIC INPUT

This item was moved up on the Agenda.

Anthony Fuller distributed papers as a follow-up item for his gravel pit project. He said that he has obtained a cash bond in the form of a cashier's check which should allow him to open the pit this week. The check has been remitted to the Millard County Treasurer's Office. He said he notified Road Department Supervisor Thayne Henrie that the funds were available which authorizes him to open the pit. He said that the Road Department is disassembling the crusher and would likely be moving the equipment to the site this date, Monday, June 12, 2006.

Mr. Fuller said that it has been difficult for him to obtain the bonding for this project because he has no guarantee from Millard County that they will purchase the gravel from his company. He said the bank would not give them a letter of credit because of that.

Mr. Fuller raised a concern regarding the bonding process that the County required of him. He proposed that a first trust deed on property should be of sufficient value to use as an assurity. He would like to see the commissioners consider that a letter of credit or a first trust deed be sufficient in lieu of bonding.

Commissioner Cooper said that the concern is in having government guarantee a private enterprise and would not want to see the county take the position as an assurity to private business.

County Attorney LeRay Jackson asked, if the testing of the gravel turns out to be positive, and then a contract is signed between the company and the county, would the bank then process the loan? Mr. Fuller said that they would. He asked to have the contract signed today, so that there is a signed contract when the Road Department moves onto the property.

Commissioner Cooper said that normally the county has owned several gravel pits from which they can extract gravel. He said that the county currently has a lease to extract gravel from West Mountain for \$1,000 per year.

Commissioner Smith said that the quality of the gravel in this area is expected to be better at this pit than that in the county-owned pits. Mr. Fuller noted that the gravel from his pit would be sold to the County on more of a royalty payment on a per yard basis.

Commissioner Smith said he is concerned about item # 6 of the contract. Fuller stated that item # 6 allows for self-governing by the County. It should be to the County's advantage to furnish finished gravel in lieu of cash to his company. Attorney LeRay Jackson said that, as long as the trade is documented as value for value, then he would have no problem with the contract

because there are costs, such as fuel, that will make that a fluctuating value.

Commissioner Smith said he is concerned with the idea that the county is making gravel for a private company to sell. The appearance that the county is in the gravel business with the Fullers is a serious concern. Mr. Fuller suggested that paragraph #6 of the contract may need to be deleted. Commissioner Cooper said that, if Millard County were to enter into this type of agreement, then a precedence would be set and the county may be expected to do the same thing for another private business. Attorney Jackson said that it would be cleaner if the county were to purchase the gravel. It was decided to line through item # 6 of the contract and have it initialed by Mr. Fuller, who will then give it to Thayne Henrie to sign.

AUDITOR'S REPORT

Auditor Brandy Grace presented invoices for the Commissioners to sign. The June 9 check edit report was presented for commission approval along with the June 9 overtime reports.

Auditor Grace submitted two payroll change notices from the Sheriff's Office. She said these appear to be different from those that normally don't need commission approval because of predetermined scheduled increases. Commissioner Walker will discuss the payroll change notices with Sheriff Dekker.

Auditor Grace said that Millard County was one of four counties who had their valuation reports in early to the State Tax Commission. She said the certified tax rates have not been released by the State Tax Commission. The afternoon work meeting to discuss the certified tax rate was cancelled. The meeting was rescheduled to next Monday, June 19, 2006.

Auditor Grace presented the Commission with the *Final Tax Sale Property Listing* on the Tax Sale that was conducted May 25. She noted that the \$6,181.67 listed as surplus property is remitted to the State Treasurer's Unclaimed Property.

Commissioner Cooper made a motion to approve the *Final Tax Sale Property Listing*. The motion was seconded by Commissioner Smith. The motion carried without opposition.

RATIFY THE RESOLUTION TO SUPPORT APPLICATION TO CREATE AN ECONOMIC DEVELOPMENT ZONE IN MILLARD COUNTY FOR BRUSH RESOURCES, INC.

Commissioner Cooper made the motion to ratify the Resolution to Support Application to Create an Economic Development Zone in Millard County for Brush Resources, Inc. The motion was seconded by Commissioner Smith. The motion carried without opposition.

POSSIBLE ADOPTION OF MILLARD COUNTY ORDINANCE NO. 06-06-12, AN ORDINANCE ADOPTING THE "*MILLARD COUNTY CODE*" EFFECTIVE 07-01-06

County Attorney LeRay Jackson stated that, pursuant to the public hearing held on Monday, June 5, 2006, the Millard County Code is now ready to adopt, and will become effective

July 1, 2006. Commissioner Smith made a motion to adopt the Millard County Code, Ordinance Number 06-06-12. The motion was seconded by Commissioner Cooper. A roll call vote was called by County Clerk Norma Brunson as follows: Commissioner Smith - yes; Commissioner Cooper - yes; Commissioner Walker - yes. The ordinance was adopted and signed.

COMMISSION REVIEW OF REVISED BOOKING AGREEMENT FOR MILLARD COUNTY FAIRGROUND FACILITIES

County Attorney LeRay Jackson stated that the booking agreement for the Millard County Fairground Facilities was discussed the Commissioners, Recreation Director Max Wood, West Maintenance Supervisor Kevin Morris and Sheriff Dekker, along with himself on Monday, June 5. As a result of that meeting changes were made to the booking agreement. Attorney Jackson stated that Max Wood and Sheriff Dekker have seen the revised agreement and approved the amendments. Attorney Jackson noted Item # 3 of the new agreement requires that the lessee must be present at the event at all times. The deposit will be forfeited for ANY violation of the rules. The deposit is now a security deposit, not just a cleaning deposit. Alcohol use has been more clearly defined prohibiting the presence of alcohol on the premises.

Commissioner Cooper made a motion to approve the revised booking agreement. The motion was seconded by Commissioner Smith who asked for clarification. He asked about alcohol that may be in a vehicle in the parking lot. Jackson responded that, if the lessee is aware of it (the alcohol), then it is a violation of the agreement. He noted that alcohol is not totally banned from all county premises, but it requires permission from the County Commission and proper licensing by the lessee.

POSSIBLE APPROVAL OF A BUSINESS LICENSE FOR AOP HERBS - OWNER JULIE TAYLOR

Commissioner Smith made a motion to approve the business license application from Julie Taylor for AOP Herbs. The motion was seconded by Commissioner Cooper. The motion carried without opposition.

County Attorney LeRay Jackson presented a second application for a business license from Robert Ingleman for Highland Mining, Inc. Commissioner Cooper made a motion to approve the application. The motion was seconded by Commissioner Smith. The motion carried without opposition.

*This item needs to be ratified on the agenda next Monday, June 19, 2006.

DISCUSSION ON OLD CARE CENTER

County Attorney LeRay G. Jackson said that the potential buyers of the old Long Term Care Center have always claimed that their license to operate a youth home had been approved. One of the owners, Justin Nielson, called the title company last week to see if the county would sell the property to them, but agree to buy it back if they didn't get their licensing.

Attorney Jackson noted that the Commissioners and others have always assumed that because there is asbestos on the pipes in the ceilings which would take a certified contractor to demolish the building and dispose of the asbestos outside of Millard County. Jackson has since discovered that is not the case. As long as the materials are wetted down, the building can be demolished and delivered to the Millard County Landfill.

Attorney Jackson suggested that the purchase agreement be terminated with a two-week deadline, in which case the earnest money would be forfeited and the purchase agreement cancelled. The Commissioners agreed.

DISCUSSION OF LEGAL DEFENDER SERVICES TO MILLARD COUNTY FOR 01-01-07

County Attorney LeRay Jackson presented the current legal defender contract to the commissioners for their review. He noted that the current contract expires at the end of 2006, and suggested that a decision should be made no later than August on how to proceed.

* Agenda for next Monday, June 19.

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

Commissioner Smith reported on his attendance at the Planning and Zoning meeting on Wednesday, June 7. At the meeting he presented language for amending the Transportation Plan in the Millard County General Plan. The Planning Commission made some changes and recommended that it be forwarded to the Commission to set a date for public hearing. The public hearing must be published for 14 days. The commissioners set the date for the public hearing on Monday, August 7 @ 11:00 a.m. The language for the transportation plan also needs to be adopted as an ordinance in the Millard County Code.

* Agenda item for Monday, August 7.

Commissioner Smith received a letter from Hinckley Town expressing appreciation for the help received from Thayne Henrie and the Millard County Road in repairing the drainage problem they had. They also expressed gratitude for the gravel at the Hinckley Cemetery.

Commissioner Smith stated that Lynn Stevens sent a letter stating that the counties can apply for \$10,000 for help in getting affidavits prepared for RS2477 designation on Class B Roads in the County. Millard County will apply for those funds.

Commissioner Cooper attended the Planning and Zoning meeting on June 7. He also attended SCAOG (Six County Association of Governments) meetings on June 7. The SCAOG Legislative meeting was also attended by Lt. Governor Gary Herbert, Director of Natural Resources Mike Styler, Representative Richard Wheeler, Representative Brad Johnson, and Representative Pat Painter to discuss the legislative issues. Commissioner Cooper expressed appreciation for members of the rural caucus. Commissioner Cooper reported that Lt. Governor Gary Herbert and his assistant made a presentation on the electronic voting machines.

Commissioner Walker had nothing to report as she has been campaigning for the upcoming Primary Election.

County Clerk Norma Brunson stated that the State has approved a grant to make the Lynndyl building ADA accessible for voting purposes. The \$10,000 will be reimbursed from the state after the work is done.

Commissioner Cooper said that Thursday, June 15, will be the parade for the Days of the Old West Rodeo. The rodeo will be held Thursday, Friday and Saturday at 8:00 p.m. at the Millard County Fairgrounds outdoor arena in Delta. He expressed his congratulation to Van J. Warnick, Grand Marshall for this year's rodeo. Mr. Warnick was instrumental in building the Deseret Rodeo grounds to make it ready for the first Days of the Old West Celebration.

OTHER BUSINESS

County Attorney LeRay Jackson reported that Sheriff Dekker has indicated that he is raising the hourly fee for utilizing the Conservation Work Crew from \$20.00 to \$25.00 per hour.

County Clerk Norma Brunson reported that sixty election judges were trained on Thursday and Friday of last week. She is still looking for some election judges. The commissioner expressed appreciation for the County Clerk's efforts in this year's primary election. Clerk Brunson noted that today (June 12) is the last day for voter registration for the June 27 Primary election. Early voting starts tomorrow morning (June 13) at 9:00 a.m. and ends June 23.

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

There was no closed meeting.

ADJOURNMENT

Commissioner Smith made a motion to adjourn. The motion was seconded by Commissioner Smith. The motion carried and the meeting adjourned at 11:15 a.m.

NOON

1:30 P.M. WORK SESSION TO DISCUSS TAX REBATE

This item was tabled until June 19, 2006.

Attest: _____ Approved: _____