

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 29th DAY OF APRIL 2008
AT THE COURTHOUSE, FILLMORE, UTAH

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

Richard Waddingham County Attorney
Norma Brunson County Clerk
Janice Robins Deputy County Clerk

ALSO PRESENT: John and Marilee Heath Citizens
David Christensen Fillmore City Mayor
Michael Lang Citizen

PURSUANT TO AN AGENDA WHICH HERETOFORE HAD BEEN PROVIDED TO each member of the governing body, the local news media and posted in three public places or on the Millard County website, as required by law, the following proceedings were had:

PUBLIC WAS WELCOMED

The meeting began at 10:06 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 read a quote from Benjamin Franklin and then said the invocation. Everyone stood and said the Pledge of Allegiance to the Flag.

FOLLOW UP ACTION ITEMS FROM MINUTES OF APRIL 15, 2008

There were none.

APPROVAL OF APRIL 15, 2008, COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held April 15, 2008, were presented for consideration and approval. Following review and consideration of minor corrections Commissioner Walker made a motion to approve the minutes of April 15, 2008, as corrected.

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

AUDITORS REPORT

Auditor Grace gave the Commissioners the Check Edit Report of April 28, 2008 to review and sign.

Auditor Grace reported information about a mobile home #B007677 that was previously owned by Reuben and Isabelle Ellios*. The Assessor's Office has not been able to contact them and the personal property taxes have not been paid on the mobile home for some time. The Assessor had started the notice of seizure procedure. The new owner Carlos Chavez is willing to pay the back taxes but would like Commissioners' consideration in waiving the penalty and fees associated with the notice of seizure as they occurred before his ownership. The Commissioners denied the request.

The Commissioners approved a pay increase for Laurie Johnson in the Sheriff's Office.
(Later in the meeting Sheriff Dekker presented two more items. Ross Johnson will be retiring and Don Ponton will become a full time employee.)

DISCUSSION ON DRAINAGE DISTRICT TAX RATE/SPECIAL ASSESSMENT 2008- TREASURER JOHN HANSEN

Treasurer John Hansen came before the Commissioners to discuss how the County plans to have the tax rate set or an assessment rate set for the Millard County Drainage Districts because of the change in state statutes regarding special districts. The deadline is fast approaching when the rates need to be set and approved. The property values have not been received from the four drainage districts. Also, Drainage District No. Three had not sent all the paper work into the State Auditor's Office and Millard County is holding its funds until the paperwork is submitted. If the drainage districts are to become special service districts, the drainage districts will need to determine the value of the property within its district, have a tax rate, and a budget.

Treasurer Hansen asked the Commissioners the following questions:

1. Is the County going to have the drainage district determine the tax rate or are they still going to do a special assessment levy?
2. How is the County going to process getting money to the drainage districts for 2008?
3. How will they get money in future years?
4. Drainage District No. Three still needs to comply with the requirements of the State Auditor's Office or its money will not be released.

Treasurer Hansen got a confirmation on the list of contact people for the Drainage Districts to be contacted.

Klint Atkinson #1
Clayton Jeffery #2
Theo Berry #3
Dennis Stefanoff #4

Treasurer Hansen said the Mosquito Abatement District had assessed the tax rate and wanted to assess a tax rate increase. It published one notice and started the process but did not finish it. As a result they do not qualify for an increase this year. The State Tax Commission held an informal hearing and denied its request. The appeal period will end next week but the County decided not to file an appeal as it was probably denied for a legal reason. The Mosquito Abatement District will need to start the process over again but will not be able to receive additional funds until November 2009. The district could get a loan from Zions Bank to cover its expenses but it will be difficult to repay a long term loan. The Mosquito Abatement District will use the capital funds this year as far as they go.

Commissioner Smith announced that a training for all special districts will be held at the Millard School District Office on May 15, 2008, from 1:00 - 4:00 p.m.

DISCUSSION-APPROVAL OF RESOLUTION NO. 08-04-29, A RESOLUTION TO AMEND MILLARD COUNTY FACILITIES USE AND RENTAL FEES FOR VARIOUS CLASSIFICATIONS OF ACTIVITIES

This item was tabled.

AFFIX CHAIRPERSON'S SIGNATURE TO CONDITIONAL USE PERMIT #Z-2008-001 ASH GROVE CEMENT. APPROVED IN REGULAR COMMISSION MEETING ON MARCH 11, 2008

Commissioner Cooper signed the Conditional Use Permit #Z-2008-001 and his signature was notarized.

AFFIX CHAIRPERSON'S SIGNATURE TO "OFFICIAL MILLARD COUNTY ZONING MAP." APPROVED IN REGULAR COMMISSION MEETING ON APRIL 15, 2008.

Commissioner Cooper signed the Official Millard County Zoning Map. The Clerk attested the signature and stamped the map. A copy of the map will be on file in the Clerk's Office.

AFFIX CHAIRPERSON'S SIGNATURE "OFFICIAL MILLARD COUNTY MAJOR UTILITIES CORRIDOR MAP" TO BE INCLUDED IN THE MILLARD COUNTY GENERAL PLAN. APPROVED IN REGULAR COMMISSION MEETING ON APRIL 1, 2008

Commissioner Cooper signed the Official Millard County Major Utilities Corridor Map. The Clerk attested the signature and stamped the map. A copy will be on file in the Clerk's Office.

RATIFY THE APPROVAL OF THE ATTACHMENT TO THE STATE COURT CONTRACT

Commissioner Smith made a motion to ratify the approval of the attachment to the State Court Contract.

Commissioner Walker SECONDED the motion. The voting was unanimous and the motion carried.

POSSIBLE APPROVAL OF A BUSINESS LICENSE FOR UTAH WATER HOLDINGS, LLC-OWNER ANTHONY FULLER

Commissioner Smith made a motion to approve a business license for Utah Water Holdings, LLC-Owner Anthony Fuller.

Commissioner Walker SECONDED the motion. The voting was unanimous and the motion carried.

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

All the Commissioners attended the Utah Association of Counties (“UAC”) Conference in Salt Lake City. Commissioner Smith presented a brief history and update on the West-wide Corridor in Millard County. Commissioners Walker and Smith attended the conference two days and Commissioner Cooper attended all three days (April 16-18).

On April 22 interviews were conducted by Sheryl Dekker, landfill manager, Phil Lovell, landfill supervisor and Commissioner Walker for a landfill truck driver. Six well-qualified candidates were interviewed. Correy Woods of Fillmore was selected for the position.

All three Commissioners attended an open house at the County Offices in Delta that evening. UPC Wind hosted the event and it was well attended by the public.

On April 23, all three Commissioners attended the Council of Government meeting with local mayors at the County Offices in Delta. Among topics discussed were new county employees, Millard Care and Rehabilitation, west-wide corridor and grazing. Linda Gillmor, County Economic Development Director, gave an update on economic development activities within the County.

Also, the Commissioners met with department heads to discuss the steps necessary in completing the step and grade program for County employees.

On April 17, 2008, Commissioner Smith attended a Millard County School Board meeting where they discussed evaluation of property in the County. Commissioner Smith briefly explained the evaluation process of Green Belt and the tax history of IPP.

Commissioner Smith attended the Central Utah Mental Health Authority Board (“Authority Board”) meeting on April 23, 2008 in Richfield, Utah. A copy of its budget is available for review. Jane Johnson who was a term leader has moved to Cedar City and her replacement will be Ann Marie LaDamus. Ms. LaDamus gave a short presentation on substance abuse techniques in treating patients. The difference between DORA and Drug Court was explained to the attendees.

Commissioner Smith will be attending a National Behavioral Substance Abuse Conference with the Authority Board on April 30-May 4, 2008 in Boston, Massachusetts.

Commissioner Cooper complimented Commissioner Smith on the presentation he gave to all the Commissioners in Utah on the west-wide corridor.

Attorney Waddingham reported the County had received two checks totaling more than \$7,200 for attending UCIP seminars and following risk management procedures.

On April 28, 2008, Attorney Waddingham met with Mark Ward and several county attorneys to discuss the enabling clause of the Utah Constitution. Specifically, discussion focused on the provision whereby the federal government sells federal land and provides the state 5 percent of the proceeds to be used toward education. Former legislation may be re-proposed in Congress to give the states 5 percent of the land instead of 5 percent of the proceeds. This could help with the Payment in Lieu of Taxes ("PILT") funds received by the county.

Commissioner Smith received a phone call from an attorney in Logan who is interested in the process Millard County used for the west-wide corridor. Attorney Waddingham had been contacted by him also.

OTHER BUSINESS

Fillmore City Mayor David Christensen and Michael Lang came before the Commissioners to talk about the road in front of Mr. Lang's home. They would like to see the road up to the corrals paved with the help of Millard County.

Mr. Lang said that his home is the only home in Fillmore City that does not have a paved road in front of it. The road is considered a dirt road and even though speed limits have been approved, it is still not signed nor is it regulated. He would appreciate the road sprayed with MagChloride before the ATV Jamboree in June. He is willing, over a period of time, to help pay some of the cost for road improvement if necessary.

Fillmore City has put a sewer system under the road and it has plans to repair the road damage. It has a proposal to be put before the public tonight at a public hearing to possibly widen the road with the participation of the property owners and have Millard County help with the cost. Fillmore City feels there should be some agreements with the County before the city takes over the ownership of the road.

Millard County has viewed the road as a Class B road. It has been maintained on the regular rotation schedule. The road could be deeded to Fillmore City and then it would qualify for Class C road funds. Millard County said it cannot justify spending money to pave the road that may eventually be turned over to the city. The Commissioners agreed to do a site tour of the road this afternoon.

Mayor Christensen reminded the Commissioners that a law enforcement contract is still not in place with Delta City and Fillmore City.

At the special Commission meeting held on April 22, 2008, in Delta, the Commissioners had explained that the current building inspector, Derrell Owens, did not have all the certifications to inspect a commercial building. They approved Matt Zeigler to cover commercial inspections and Gary Walker to cover residential inspections on a temporary basis until Darrell Owens can earn his certificates and licenses.

Commissioner Cooper talked with Connie Tolbert Davies about the rental building used by Central Utah Public Health. The rent is currently \$800.00 per month and the utilities which consist of heat, water and power are paid by Ms. Davies. She has plans to paint and carpet the office. She will furnish the paint if the County will furnish the labor to paint it. She is willing to continue to pay the rising utilities costs if the County will sign a rental contract for a three-year period at \$900.00 per month. The Commissioners discussed the offer and will see if the jail crew will paint the building. The contract was reviewed by Attorney Waddingham.

PUBLIC INPUT

There was none.

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

There was none.

WHERE UPON THE MEETING ADJOURNED

Commissioner Walker made a motion to adjourn the meeting.

Commissioner Smith SECONDED the motion. The voting was unanimous and the meeting adjourned at 11:49 a.m..

Attest: _____

Approved: _____