

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 17th DAY OF JUNE 2008
AT THE COURTHOUSE, FILLMORE, UTAH

PRESENT: Daron P. Smith Chairperson
Kathy Y. Walker Commissioner

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

EXCUSED: Commissioner Cooper

ALSO PRESENT: Anna LaDamus and Doug Ford Central Utah Counseling
Shelly Teuscher First Wind
Melanie Wright Citizen
Sheryl Dekker Millard County Planning and Zoning
Jason Chaffetz Congressional Candidate

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 10:00 a.m. after a brief welcome by Commissioner Cooper to the public and Commission members.

OPENING STATEMENTS

Commissioner Smith asked if anyone had an opening statement to give. Deputy Clerk Janice Robins gave a quote from Edward Gibbons and then said the invocation. Everyone stood and said the Pledge of Allegiance to the Flag.

FOLLOW UP ACTION ITEMS FROM MINUTES OF JUNE 3, 2008

Commissioner Walker said that existing supplies were used to build the sign tower at the rodeo grounds, so there was no additional cost to build the tower.

The deadline for the URS rates was reported as July 1, 2008 and the deadline in December 31, 2009.

APPROVAL OF JUNE 3, 2008 COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held June 3, 2008 were presented for consideration and approval. Following review and consideration of minor corrections Commissioner Walker made a motion to approve the minutes of June 3, 2008, as corrected.

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

AUDITORS REPORT

Auditor Grace gave the Commissioners the Check Edit Report of June 17, 2008 to review and sign.

Auditor Brandy Grace said a \$48.00 invoice for advertising the June 7, 2008 horse races had been turned in. The invoice will be sent to the racing committee because County money is not available again. Seed money was given last year on a one time basis.

A request was made for a purchasing card for USU Extension Agent Seth Holmes in the amount of \$3,000.00.

Commissioner Walker made a motion to approve a \$1,500.00 purchasing card for Seth Holmes USU Extension Agent.

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

Auditor Grace said the Auditor's Office has not received an update on the contract for USU Extension Agent Jim Stevens.

Commissioner Walker made a motion to appoint Bonnie Gehre as a board member and secretary of the Millard County Safety Committee, Risk Management/Accident Review Board.

Commissioner Smith stepped from the chair and SECONDED the motion. The voting was unanimous and the motion carried. She will replace Sheryl Dekker on the committee.

Auditor Grace gave Commissioner Smith the business card of Jonathan Ward from Zions Bank. She had recently spoken to Mr. Ward about the possibility of the Mosquito Abatement District getting a tax anticipation note as a possible option to get operating funds.

The State Auditor notified the County that the following entities have not submitted the proper reports and instructed the County to withhold its tax revenue.

Lynndyl Town did not file its 2007 financial report.

Millard County Fire District did not file its 2005 survey.

Millard County Housing Authority did not file its 2006 financial report.

Millard County Water Conservancy District did not file because it is inactive at this time.

Auditor Grace said she had received a hardship abatement application for Regina Anderson on parcel number K-MV-16.

Commissioner Walker made a motion to approve a 50 percent abatement on the property taxes for Regina Anderson based on her income and a disability.

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

Auditor Grace reported that Millard County has received \$749,896 in PILT funds.

Auditor Grace said that Mikel Sharp would like an agent of record letter signed by the Commissioners to be submitted to John Hancock. Attorney Waddingham will review the letter before it is signed. ***Need copy for Clerk's file.

Commissioner Walker made a motion to convene as the Board of Equalization "(BOE)").

Commissioner Smith stepped from the chair and SECONDED the motion. The voting was unanimous and the motion carried. The meeting began at 10:38 a.m..

Auditor Grace said that Utah Housing Corporation has requested an exemption on parcel numbers F-DD-1 and F-DD-2. Pictures of the homes were attached to the application. Its request for exemption last year was denied because the request was filed late and construction had not begun.

After reviewing the application Commissioner Walker made a motion to grant Utah Housing Corporation tax exemption status on parcels with serial numbers F-DD-1 and F-DD-2.

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

Commissioner Walker made a motion to go out of the BOE.

Commissioner Smith stepped from the chair and SECONDED the motion. The voting was unanimous and the motion carried. The BOE ended at 10:43 a.m..

DISCUSSION WITH ANNA LADAMUS, CENTRAL UTAH COUNSELING

Anna LaDamus and Doug Ford from Central Utah Counseling came before the Commissioners to discuss drug court issues. Chief Deputy County Attorney Pat Finlinson expressed his support of the drug court program and has enjoyed being part of the program. He thinks the program is effective and has been successful in our county. He said there are currently four people in the program and room for six people.

Mr. Ford said that a \$75,000 grant had been applied for to be used to hire a full time therapist for Millard County and Juab County. Central Utah Counseling only received \$37,500 in grant money and it will match the grant funds with an additional \$23,500 to pay the therapist's salary. The number of participants in Millard County could then increase up to twelve. Central Utah Counseling is asking for an additional \$5,000 from Millard County that would increase its share to \$11,000 a year beginning in 2009. The County has been budgeting \$10,000 and using \$6,000 to pay for the drug testing kits. The Commissioners will discuss the matter and the issue will be put on the July 1, 2008 agenda for a possible decision.

REVIEW AND POSSIBLE APPROVAL OF THE AMENDED INTERLOCAL COOPERATIVE AGREEMENT BETWEEN MILLARD COUNTY AND UTAH STATE PARKS AND

RECREATION

Commissioner Walker made a motion to adopt Resolution No. 08-06-17 approving the amended interlocal cooperative agreement between Millard County and Utah State Parks and Recreation.

Commissioner Smith stepped from the chair and SECONDED the motion. Clerk Norma Brunson called for a roll call vote. Commissioner Walker voted YES. Commissioner Smith voted YES. The voting was unanimous and the motion carried.

REVIEW AND POSSIBLE APPROVAL OF A NON PLAT SUBDIVISION APPLICATION #Z-2008-015 FOR JOSHUA AND MELANIE WRIGHT, FOR PROPERTY LOCATED AT 2830 WEST MCCORNICK ROAD, MCCORNICK, UTAH OR MORE PARTICULARLY DESCRIBED AS S1/2 SE1/4 SECTION 34, T18S, R5W. SLB&M, LESS RR R/W. 68 ACRES.

Millard County Planner Sheryl Dekker gave a brief overview of the situation. Joshua and Melanie Wright would like to split 1 acre off from a 68 acre parcel to build a home. The property has not been split off yet.

Commissioner Walker made a motion to approve a non plat subdivision for Joshua and Melanie Wright. The certificate was signed by Commissioner Smith and it will be recorded in the Recorder's Office.

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

RATIFY MILLARD COUNTY'S RATES FOR UTAH RETIREMENT SYSTEMS ("URS")

Auditor Brandy Grace had the form ready to be sent back to URS listing Millard County's rates. The current rate is 22.61 percent for public safety and 11.62 percent for non-contributory plus 10.99 percent going to the employee's 401K to make up the difference. The public safety rate will stay at 22.61 percent after July 1, 2008.

Commissioner Walker made a motion for the county to keep the URS rates at 22.61 percent which is the same as the public safety rate.

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

POSSIBLE APPROVAL OF ORDINANCE NO. 08-06-17, AN ORDINANCE OF MILLARD COUNTY, UTAH, AMENDING THE MAJOR UTILITIES CORRIDOR PREFERRED ALIGNMENT MAP, AN OFFICIAL MAP OF MILLARD COUNTY, UTAH FOR PURPOSE OF ADDING APPROXIMATELY 9.2 MILES OF UNDERGROUND RIGHT-OF-WAY TO THE NORTHERN ALIGNMENT OF SAID MAJOR UTILITIES CORRIDOR.

Commissioner Walker made a motion to approve Ordinance No. 08-06-17, An Ordinance of Millard County, Utah, Amending the Major Utilities Corridor preferred alignment map, an official

map of Millard County, Utah for purpose of adding approximately 9.2 miles of underground right-of-way to the northern alignment of said major utilities corridor.

Commissioner Smith stepped from the chair and SECONDED the motion. Clerk Norma Brunson called for a roll call vote on Ordinance No. 08-06-17. Commissioner Walker voted YES. Commissioner Smith voted YES. The voting was unanimous and the motion carried.

DISCUSSION WITH CONGRESSIONAL CANDIDATE JASON CHAFFETZ

Jason Chaffetz, Congressional Candidate said, “The best hope for the United States of America, our families, and our future, is to return to the core Republican conservative principles of FISCAL DISCIPLINE, LIMITED GOVERNMENT, ACCOUNTABILITY, AND STRONG NATIONAL SECURITY. We have to change the way we do business in Washington, D.C. He is driven by what is right, guided by the constitution, committed to integrity and personal responsibility, loyal to Utah, and dedicated to conservative principles. It’s time to do what is right—right for the United States of America, right for our families, and right for Utah.”

He said there are two main issues concerning Millard County.

1. Water issues--- Utah needs to maintain a good working relationship with Nevada.
2. PILT issues--- The state of New Mexico has ten million acres less of federal land than Utah had and it received 2.7 million dollars in PILT funds more than Utah. If Mr. Cannon is working to increase PILT funds, it is not working.

Mr. Chaffetz said that communication is very important to get things done correctly and timely. He asked for the citizens’ support and votes.

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

Commissioner Walker made a motion to go into a closed executive session to discuss the character, professional competence or physical or mental health of an individual.

Commissioner Smith stepped from the chair and SECONDED the motion. The voting was unanimous and the motion carried. The closed session started at 11:25 a.m. and ended at 11:50 a.m..

OTHER BUSINESS

Wellness Committee Chairperson Deb Arnold handled the drawing of names of winners for the latest contest. The following people won prizes. Marv Cummings, Connie Hansen, Deb Arnold, Jeff Gehre, Brandon Bartholomew, Steve Iverson, Cindy Iverson, Sheri Stephenson, Jim Talbot, Star Cummings, Cade Bartholomew, Carlee Stephenson, Brock Bartholomew, Brinley Gehre and Camri Nez. Thirty-seven people turned in their completion slips.

Holden Town Mayor Brent Bennett and the Commissioners discussed the interlocal agreement Holden Town has with Millard County Building for building inspection services. Attorney Waddingham advised Mayor Bennett that Millard County Building Inspector Derrell Owens conducted an inspection on some residential property in Holden during one of the early stages

of construction only to later learn that Matt Zeigler finished the inspection without notifying Mr. Owens. Mr. Owens could not make a determination, for himself, as to whether the construction complied with the building code standards. This is the very problem Millard County felt could happen without proper communication between Millard County and Holden Town or notification from Mr. Zeigler to Mr. Owens. Mr. Waddingham asked Mayor Bennett whether Mr. Zeigler conducted the subsequent inspections as a Millard County Building Inspector or as the Holden Town Building Inspector. Mayor Bennett stated that Mr. Zeigler was acting on behalf of Holden Town, not Millard County. He also said that any inspections conducted by Mr. Zeigler in Holden Town would be solely in his capacity as the Holden Town Building Inspector.

Commissioner Walker made a motion to draw up the papers to terminate the interlocal agreement between Holden Town and Millard County.

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

Commissioner Walker made a motion to accept the Renewal of Permit #9712 to Operate a Class 5B Municipal Solid Waste Facility at the Fillmore Landfill, Millard County, Utah. The effective date is May 31, 2008 and the expiration date is May 31, 2018.

Commissioner Smith stepped from the chair and SECONDED the motion. The voting was unanimous and the motion carried. A copy of the permit will be on file in the Millard County Clerk's Office.

Commissioner Walker made a motion to allow Attorney Waddingham to file a verified application for Association of Counsel under the Nevada State Rule 42 to join John B. Rhodes as the Nevada counsel of record. Mark Ward, Utah Association of Counties ("UAC") will also file an application.

Commissioner Smith stepped from the chair and SECONDED the motion and asked to include Mark Ward from UAC. The voting was unanimous and motion carried.

Pay increases were approved by the Commissioners for employees at the East and West Millard Swimming Pools and the Sheriff's Office.

Clerk Norma Brunson explained how difficult it has been to get people to serve as election judges for the Primary Election. She reported that Thayne Henrie was willing to allow an employee and a vehicle to help with the transportation of election supplies.

Commissioner Walker made a motion to extend the temporary employment of Stan Robison at the Millard County Road Department for one month until July 24, 2008. Future extensions will be done on a monthly basis.

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

Commissioner Walker made a suggestion that the Drug Free Workplace Act Statement form should be updated with the current Commissioners' names.

Commissioner Smith received word from the Nevada State Water Engineers' Office that the location of the pre-trial hearings have been changed to the Nevada State Legislative Building Room 401 in Carson City, Nevada.

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

Commissioner Walker reported that all three Millard County Commissioners, Attorney Waddingham, Mark Ward and several Snake Valley residents met to discuss and make plans to attend the upcoming pre-trial hearings in Nevada.

All the Commissioners attended the Days of the Old West Rodeo and horse parade. Special guests attending the events were Lieutenant Governor Herbert, Michael Styler, Brent Gardner and Mark Ward. The rodeo committee was complimented on doing a good job.

Commissioner Walker is planning to attend the Deseret Hinckley Cemetery Board meeting tonight.

Commissioner Smith attended the Millard County Planning and Zoning meeting on Wednesday, June 11, 2008.

Clerk Norma Brunson reported that she had checked with SOS Services in an effort to find election workers, but because of the extra cost decided against it.

PUBLIC INPUT

There was none.

WHERE UPON THE MEETING ADJOURNED

Commissioner Walker made a motion to adjourn the meeting.

Commissioner Smith stepped from the chair and SECONDED the motion. The voting was unanimous and the meeting adjourned at 12:32 p.m..

Attest: _____

Approved: _____