

MINUTES OF BOARD OF COUNTY COMMISSIONERS  
MILLARD COUNTY THE 9th DAY OF JANUARY 2006  
AT THE COURTHOUSE, FILLMORE, UTAH

PRESENT: John C. Cooper ..... Chairman  
Daron P. Smith..... Commissioner  
Kathy Y. Walker. .... Commissioner  
  
Brent Berkley..... Chief Deputy County Attorney  
Janice Robins..... Deputy County Clerk

ALSO PRESENT: Dean Draper, Jacque Hart and Sherry Shepard

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 January and February 2006.

PUBLIC WAS WELCOMED

The meeting began at 10:00 a.m. after Commissioner Cooper wished everyone a happy new year.

OPENING STATEMENTS

Commissioner Cooper offered a prayer. Everyone stood and said the Pledge of Allegiance to the Flag.

FOLLOW UP ACTION ITEMS FROM MINUTES OF DECEMBER 19, 2005

There were none.

APPROVAL OF THE AMENDED MINUTES OF DECEMBER 19, 2005

Commissioner Walker made a motion to approve the amended minutes of December 19, 2005. Commissioner Smith SECONDED. The voting was unanimous. The motion carried.

AUDITORS REPORT

Auditor Brandy Grace gave the Commissioners various invoices to review and approve for

payment through the Auditor's Office.

Auditor Grace gave the Commissioners the Check Edit Report of December 23, 2005 which had been reviewed earlier by Auditor Grace and Commissioner Cooper so the checks could be released. The Commissioners were given the December 31, 2005 Check Edit Report to review and sign.

Auditor Grace gave the Commissioners the payroll reports of the December 23, 2005 pay period to review.

Auditor Grace said a three-year proposal had been submitted by Larson and Peterson for auditing services for Millard County. The cost per year for a three-year contract would be the same as for a five-year period. The Commissioners agreed to sign the proposal. Notification of the Commissioners' acceptance will be sent to Larson and Peterson.

Auditor Grace said that Central Utah Counseling Center audit review will be held on Wednesday, January 26, 2006 at 4:30 p.m. and the county officials were invited to attend.

Auditor Grace received the November billing for \$11,611.00 from IHC for the beds at the Fillmore Community Hospital. Auditor Grace had reconciled their report for long term care and found the Millard County only owes for the beds at the Fillmore Community Hospital. With Commissioners approval the bill will be paid out of the 2005 budget.

A \$9,300.00 refund check from IHC was sent to Millard County. The refund comes from health insurance premiums paid during the years 2001 and 2002. The accompanying letter explained IHC had filed to become a nonprofit tax exempt entity through the IRS but at that time it was unsettled. IHC has received notification that they are now viewed as a tax exempt entity and the IRS refunded them a portion of the taxes paid during those years. Included in that amount was part of the participating Millard County employees' premiums. During those two years Millard County was paying for single coverage and the employees were paying for dependent care. Auditor Grace asked if the Commissioners would like to have a portion of the money refunded back to the employees. The Auditor's Office will research the issue and make another proposal to the Commissioners before the final decision is made.

Commissioner Smith reported the Class B Road money is now going to be allocated bi-monthly instead of quarterly.

An invoice from Howard Western d.b.a. Sound Unlimited for \$20,000 for a jail relay upgrade project was discussed. During the meeting, Commissioner Cooper made a phone call to the jail and talked to Captain Dekker who identified what the project was so the payment could be taken out of the right budget. Captain Dekker explained the project was to move the controls from the dispatch in the old part of the jail to the control room. He explained the project is being done in segments. A decision was made to make the payment by doing a general fund transfer.

CRAIG POULSON, MILLARD COUNTY USU EXTENSION AGENT-REVIEW AND POSSIBLE SIGNING OF THE CONTRACT BETWEEN MILLARD COUNTY AND USU EXTENSION

Craig Poulson said USU would like a signed copy of the Memorandum of Understanding stating how much money Millard County will provide for the USU Extension program in Millard County.

Commissioner Smith made a motion to sign the cooperative agreement for \$133,370.00 between Millard County and USU Extension.

Commissioner Walker SECONDED. The voting was unanimous. The motion carried. A copy of the agreement will be on file in the Millard County Clerk's Office.

Commissioner Cooper had a copy of the Memorandum of Understanding between Millard County and USU Extension for Jim Stevens' salary. The amount Millard County will provide is \$10,786.47 and that amount will be matched by USU Extension.

Commissioner Smith made a motion to sign the Memorandum of Understanding with USU Extension for Jim Stevens' salary.

Commissioner Walker SECONDED. The voting was unanimous. The motion carried. A copy was *not* given to the Clerk.

POSSIBLE ADOPTION OF MILLARD COUNTY RESOLUTION NO. 06-01-09, A RESOLUTION OF THE BOARD OF MILLARD COUNTY COMMISSION ADOPTING ITS MOTOR VEHICLE TRANSPORTATION, ROAD AND TRAIL PLAN

Commissioner Smith presented three copies of the Resolution No.06-01-09 with attached transportation and ATV trails maps to the Commissioners. He said this is an official document to be used when working with Federal agencies and others. The next step will be a public hearing to amend the Millard County's General Plan and attached a transportation map that will be updated annually.

Commissioner Smith made a motion to adopt Millard County Resolution No. 06-01-09, A Resolution of the Board of Millard County Commission Adopting its Motor Vehicle Transportation, Road and Trail Plan.

Commissioner Walker SECONDED. Deputy Clerk Janice Robins called for a roll call vote. Commissioner Walker. YES. Commissioner Smith. YES. Commissioner Cooper. YES. The voting was unanimous. The motion carried. Three copies will be put on file in the Millard County Clerk's Office.

FORREST ROPER, REVIEW AND POSSIBLE SIGNING OF THE UTAH EMERGENCY MEDICAL SERVICES GRANTS PROGRAM, BUREAU OF EMERGENCY MEDICAL SERVICES, UTAH DEPARTMENT OF HEALTH FY2006 APPLICATION/GRANT

Forrest Roper, Sheriff's Office, explained that the money for the grant was included in the budget and is similar to the application/grant that has been approved in the past.

Commissioner Smith made a motion to sign the Utah Emergency Medical Services Grants

Program, Bureau of Emergency Medical Services, Utah Department of Health FY2006 Application/Grant.

Commissioner Walker SECONDED. The voting was unanimous. The motion carried. A copy will be on file in the Millard County Clerk's Office.

#### FILING OF DISCLOSURE STATEMENTS FOR 2006

Daniel R. Rowley	Debra Arnold
Elizabeth Bartholomew	Sheri Dearden
John L. Hansen	Jim Talbot

The disclosure statements will be on file in the Millard County Clerk's Office.

#### POSSIBLE APPOINTMENT OF A NEW COMMISSION CHAIRMAN FOR 2006

Commissioner Cooper expressed his thanks to Commissioner Smith and Commissioner Walker for their cooperation while he served as the Millard County Commission Chairman. Commissioner Cooper said the Chairman position has been rotated on an annual basis in the past and he will accept nominations for the Millard County Commission Chair for 2006.

Commissioner Smith made a motion to appoint Kathy Y. Walker to serve as the Millard County Commission Chairman for 2006.

Commissioner Cooper stepped from the Chair and SECONDED the motion. The voting was unanimous. The motion carried. Commissioner Walker accepted the appointment.

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

Millard County Clerk Norma Brunson and Millard County Attorney were excused from the meeting today.

Commissioner Smith reported that all the Commissioners attended a pre-conference hearing held by the Nevada State Water Engineer in Carson City, Nevada on January 5, 2006. The conference was to determine who has standing and a right to be heard at the upcoming hearings. Millard County had been an original protestant of water applications filed in Nevada in 1989. After a lapse of fifteen years, some of the 300 original protestants could not be located for the hearings. The Commissioners felt good to be part of the pre-conference hearings because the county now has standing with the Nevada process. A case now can be built based on the earlier protests. At present Millard County is the only county in Utah that is able to participate in the hearings. Juab County and the State of Utah also have an interest in the hearings, but do not have standing. Millard County can represent themselves or if they plan to use legal counsel they will need to pay a filing fee of \$350 for outside counsel to appear if counsel is not a member of the Nevada bar. Commissioner Walker would like to see the Nevada State Engineer wait for all the information from the finished USGS-BARCUSS Study (Basin and Range Carbonate Aquifer System Study) and the BLM's EIS (Environmental Impact Study).

Commissioner Cooper said that some groups want the protest period opened up again

because of the time lapse and circumstances that have changed. The BARCUSS Study will not be finished until December 2007. The point of the diversion of the pipeline is constantly being changed by SNWA. The State of Utah has proposed to drill 13 test wells but they do not have any funding. He complimented Commissioner Smith for the comments that he made during the hearings while representing Millard County. Almost everyone else was represented by legal counsel, but Millard County was not.

Chief Deputy Attorney Brent Berkley asked what involvement the Commissioners would like from the County Attorney's Office in this matter? The Commissioners said that they would see if the State of Utah has funds to pay for legal counsel from the State of Utah if they feel legal counsel is necessary.

## OTHER BUSINESS

Millard Treasurer John Hansen reported he had received a letter requesting some consideration on abating the penalty charge for Doris Fredricksen's two parcels of property. She is a widow and has paid the taxes but a balance of \$20.00 is left because of the penalties and interest accessed.

Commissioner Smith made a motion to abate the penalty and interest on Doris Fredricksen's property with serial numbers 8214-1-1-2 and 8214-1-1.

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

Sherry Shepard from the National ATV Jamboree handed out a letter she had drafted and she will meet with the Commissioners at 3:00 this afternoon to discuss any budgeting concerns.

Commissioner Smith made a motion to sign the State of Utah Contract between the State of Utah, Department of Technology Service, Automated Geographic Reference Center and Millard County for \$25,000.00 from a cadastral mapping grant.

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

Commissioner Cooper reported The Utah Board of Water Resources had received an application for assistance from Melville Irrigation Company to install 16,700 feet of canal lining. The cost of the proposed project is \$159,000. If funded, Millard County will receive a copy of the project feasibility report. Warren Peterson from Millard County is the member of the Board of Water Resources.

On January 9, 2006, the Utah Association of Counties and the State of Utah will be announcing the formation of a Joint Task Force to deal with the problem of methamphetamine addiction. The toll of meth use on communities and families in Utah is heavy and widespread. Commissioner Walker will represent Millard County on the task force.

Commissioner Smith and Commissioner Walker complimented Commissioner Cooper on the great job he has done during the past year as Millard County Commission Chairman.

PUBLIC INPUT

Jacque Hart from Fillmore City asked for a copy of the transportation and ATV map that was attached to Resolution 06-01-09 and was granted permission to get a larger copy of it from the GIS Department. She invited the Commissioners to come to Fillmore City's meeting with UDOT to discuss planning on Fillmore City's roads. The meetings will be Tuesday, January 10 and Wednesday, January 11, 2006.

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

Commissioner Smith made motion to go into a closed executive session.  
Commissioner Walker SECONDED. The voting was unanimous. The motion carried.

WHERE UPON THE MEETING ADJOURNED

The meeting adjourned at 11:53 a.m. .

AN ORGANIZATIONAL MEETING OF THE MILLARD COUNTY REDEVELOPMENT AGENCY WAS HELD AT 1:30 P.M.

Attest: \_\_\_\_\_

Approved: \_\_\_\_\_