

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 24th of JANUARY 2005
AT THE COURTHOUSE, FILLMORE, UTAH

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

LeRay Jackson County Attorney
Norma Brunson County Clerk
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.

COORDINATION SESSION

The Commissioners scheduled events for the months of January and February 2005.

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 Cooper offered the invocation. Everyone stood and said the Pledge of Allegiance to the Flag.

FOLLOW UP ACTION ITEMS FROM MINUTES OF JANUARY 10, 2005

There were none.

APPROVAL OF THE AMENDED MINUTES OF JANUARY 10, 2005

Commissioner Walker made a motion to approve the amended minutes of January 10, 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 January 21, 2005 to review and sign.

Auditor Grace read a letter from Utah State University concerning Jim Stevens salary. USU will match Millard County's \$10,786.47 for Mr. Stevens' salary. Mr. Stevens works twenty (20) hours a week from February through September. The decision, of whether or not a COLA will be given, will be determined if all part time Millard County employees receive a COLA. Attorney Jackson will call Diane Rees in Richfield, Utah to get a contract from USU.

Knox Huntsman had asked Auditor Brandy Grace to represent him in behalf of the Utah Committee for Employer Support of Guard and Reserve Program. ESGR is a program that recognizes employers who support members of the guard and reserve. Millard County qualifies for one of the certificates.

Commissioner Walker made a motion to sign the ESGR Statement of Support for their support of the guard and reserve. Commissioner Smith SECONDED. The voting was unanimous. The motion carried. The document was signed and sent back to Mr. Huntsman.

Commissioner Smith gave Auditor Grace a bill from the Soil Conservation District .

Commissioner Smith said that he had received a Transmittal Letter from Sunrise Engineering, Inc. on the Millard County - Hwy 99 and Frontage Road Intersection Project Number: STP-LC27(3) requesting payment for design work. Commissioner Smith signed the documents and they were forwarded to Rick Torgerson, UDOT. Copies will be on file at the Clerk's Office.

SGT. DALLIN NIELSON, UTAH NATIONAL GUARD - ESGR PRESENTATION INTRODUCTION OF BRENT BERGENER - UTAH NATIONAL GUARD RECRUITER

Sgt. Brent Bergener introduced himself as the new Utah Army National Guard recruiter for the Fillmore Combat Unit. He said the unit is made up of good men from Millard County and he expressed his pride for the men when they were deployed. Sgt. Bergener said the guard has a great deal to offer, there is money available for education and re-enlistment bonuses. The Utah National Guard job is to support and defend the State and the nation. Soldiers can nominate their employer for an ESGR award if they support the National Guard and Reserve. Sgt. Bergener was thanked for the job he is doing. Commissioner Cooper said that he attended the Boss Lift Tour in New Orleans that was sponsored by ESGR and enjoyed learning more about the guard and reserve.

Sgt. Dallin Nielson was not able to attend the meeting.

ROBERT WOODLIFF - PROPERTY TAX ISSUE

Robert Woodliff explained his health problems and the problems he has had with the IRS and State Tax Commission which has created his financial problems. He asked to have his 2003 & 2004 property taxes totaling \$1,278.64 be waived. The request would fall under a

Commissioners' abatement or a hardship abatement.

Mr. Woodliff's request was discussed and the Commissioners put the decision on hold until the problem with Mr. Woodliff's mortgage company could be resolved. After the mortgage situation has been settled, Mr. Woodliff will notify the Commissioners by letter. Auditor Grace will hold Mr. Woodliff's financial information until the Commissioners can make a motion the issue.

POSSIBLE APPOINTMENT OF BOARD MEMBERS TO THE MEDA BOARD, SUNSET GOLF COURSE COMMITTEE, WEST MILLARD MOSQUITO ABATEMENT BOARD, EAST MILLARD SWIMMING POOL ADVISORY BOARD AND MILLARD COUNTY CARE CENTER

Commissioner Walker made a motion to appoint Robert Droubay, Linda Gillmore, Keith Griffiths, Cloyd Day, Joyce Frampton, Mike Winget to each serve a three-year term on the MEDA, Millard County Economic Development Board. David Wood is a current member of the MEDA Board whose term expires in 2007. Commissioner Smith SECONDED. The voting was unanimous. The motion carried. It was suggested that the new appointees' terms be staggered, so they all don't expire at the same time.

Commissioner Walker made a motion to appoint Tom Stephenson, Becky Sawaya, Keith Sawaya, John Ellison, John Nickle, Lynette Madsen and Bart Ryan to each serve a two-year term on the Sunset View Golf Course Committee. Commissioner Smith SECONDED. The voting was unanimous. The motion carried.

Commissioner Smith made a motion to appoint Brandon Smith to serve on the West Millard Mosquito Abatement Board in the Delta area replacing Alan Burraston who served twenty years.

Commissioner Walker SECONDED. The voting was unanimous. The motion carried. There will be one more appointment from the Lynndyl area made at a later date.

Commissioner Walker made a motion to appoint Keith Burris to serve on the East Millard Swimming Pool Advisory Board for a two-year term. Commissioner Smith SECONDED. The voting was unanimous. The motion carried.

Commissioner Walker made a motion to appoint Margaret Fisher to the Millard County Care Center Board. Commissioner Smith SECONDED. The voting was unanimous. The motion carried.

Commissioner Walker made a motion to appoint Roger Killpack as Chairman, Kiley Chase, Jay Finlinson, Don Fullmer, Dick Fiones to each serve a four-year term on the Millard County Tourism Board. Commissioner Smith SECONDED. The voting was unanimous. The motion carried.

Commissioner Walker made a motion to appoint Leon Lewis to serve on the

Hinckley/Deseret Cemetery District Board. Commissioner Smith SECONDED. The voting was unanimous. The motion carried.

Commissioner Walker made a motion to appoint Roger Killpack, who will represent Millard County Tourism, and Deb Jackson to the Great Basin Heritage Area Partnership Board. Commissioner Smith SECONDED. The voting was unanimous. The motion carried.

Commissioner Smith made a motion to reappoint Ladd Holman Unit #2, Glade Stevens, Unit #6, Dean Hayward Unit # 8, Clayton Jeffery Unit #4 , to serve on the Millard County Water Conservancy Board for a two year term. Commissioner Walker SECONDED. The voting was unanimous. The motion carried.

RATIFY SIGNING OF THE CONTRACTUAL AGREEMENT BETWEEN THE ADMINISTRATIVE OFFICE OF THE COURTS AND THE COUNTY SHERIFF OF MILLARD COUNTY FOR BAILIFF SERVICES TO THE COUNTY

Commissioner Smith made a motion to ratify the signing of the contractual agreement between the Administrative Office of the Courts and the County Sheriff of Millard County for Bailiff Services to the County. Commissioner Walker SECONDED. The voting was unanimous. The motion carried.

POSSIBLE APPROVAL AND ADOPTION OF MILLARD COUNTY POLICY ON DONATIONS OR CONTRIBUTIONS

Attorney LeRay Jackson gave the Commissioners, the Auditor, Treasurer and Clerk a copy of the proposed policy of Millard County, Utah on donations or contributions. This policy is based on the Doug Short case. Any donation of public funds or assets by Millard County shall meet all the listed criteria. See Exhibit A.

Commissioner Walker made a motion to adopt the Millard County policy on donations and contributions. Commissioner Smith SECONDED. The voting was unanimous. The motion carried.

DISCUSSION ON PART TIME EMPLOYEES' COLA INCREASE

Commissioner Walker made a motion to eliminate the seven-year waiting period for part time employees to receive a COLA , Cost of Living Adjustment. All regular part time employees should be eligible to receive a COLA after one year of employment. Commissioner Smith SECONDED the motion and asked for further discussion. Mr. Skeem asked if the supervisors could decide whether or not an employee would receive a COLA? The Commissioners said a COLA is given across the board to all regular part time employees.

The Commissioners expressed some concern about changing the policy to give part time employees a COLA after one year. The motion was tabled until February 7, 2005 for further discussion.

REVIEW OF CAPITAL PURCHASES

Commissioner Walker read the list of capital purchases for the West Maintenance Department that were approved by the Commissioners.

Fairgrounds Parking Lot (Finishing up the 4-year Project)	\$80,000.00
Exhibit Building (New Front Doors)	\$5,500.00
Fairgrounds (Lights & Power to New Stall Area & Buildings)	\$6,400.00
West Millard Swimming Pool (New Decking & Drains)	\$42,000.00
Care Center (Seal & Stripe Parking Lot)	\$12,000.00
Lyman Row (New Restroom Building & Storage)	\$22,000.00
Sunset Golf Course (Clean & Line Pond on Fairways 2 & 4)	\$51,000.00
Sunset Golf Course (Club House Remodel)	\$5,000.00
Sunset Golf Course (New Shelters)	\$1,000.00

FILING OF DISCLOSURE STATEMENTS

Disclosure statements were filed for the following Millard County employees and committee members.

Clayton Jeffery	Roland L Comeau
Forrest Roper	Jim Talbot
Richard J. Carter	Brandy Grace
Ben McDonald	Frank T. Paxton
Cloyd C. Day	John L. Hansen
Elizabeth R. Bartholomew	Sheri Dearden

PUBLIC HEARING ON THE FUTURE USE OR DISPERSAL OF THE OLD MILLARD COUNTY CARE CENTER

Commissioner Smith made a motion to enter into a public hearing regarding the use or dispersal of the Old West Millard Care Center. Commissioner Walker **SECONDED**. The voting was unanimous. The motion carried.

The public hearing began at 11:00 a.m. with Richard Draper, Kenneth A. Skeem, Delta City Mayor Gayle Bunker, Rob Woodliff, Chasie Greathouse, James Robson, Auditor Brandy Grace, Treasurer John Hansen in attendance.

Attorney LeRay Jackson said the notice advertising the public hearing had been published in the Millard County Chronicle Progress for five weeks. (See Exhibit B)

Jim Robson asked if anyone had received word from the Kimball Foundation, an organization that had earlier expressed interest in using the building for transitional housing.

Attorney LeRay Jackson said on December 21, 2004 he had sent building plans of the old hospital, and the plans of when it was converted to a care center to Greg Loebel of the Kimball

Foundation. Attorney Jackson had also talked with George Ann Dillard about the building. Attorney Jackson said he had not heard back from Mr. Loebel. Attorney Jackson inquired how the property is zoned?

Mayor Bunker thought it was zoned in a PDQ. He thinks it would be a good idea for the county to sell the property outright to relieve the county of the liability. He suggested someone check with the Kimball Foundation and see if they are still interested in the building and that the future usages for the building be checked out.

Commissioner Walker asked the public if they would trust the Commissioners to determine the best use of the building?

Mayor Bunker said Delta City has the control over zoning on the building, but Millard County is the owner of the property. Delta City would like some input on the future of the building.

Attorney LeRay Jackson asked what the neighbors think of the possibility of a transitional shelter being next door and if there should be another hearing held?

Mayor Bunker agreed another hearing should be held because of the nature of the building's use. He thinks the more knowledge the neighbors are given, the better it would be. Also the bidders would want to know if their intended use would be possible.

Commissioner Cooper asked if there were any more comments? There were none.

Commissioner Smith made a motion to go out of the public hearing. Commissioner Walker SECONDED. The voting was unanimous. The motion carried. The hearing adjourned at 11:22 a.m..

Commissioner Smith made a motion to have the old care center property advertised for sale and take bids. The bids will be evaluated and will either be accepted or denied. The bidder's use of the property and the Delta City Planning & Zoning procedures would be considered. Commissioner Walker SECONDED. The voting was unanimous. The motion carried.

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

All the Commissioners met in Fillmore, Utah with the BLM to discuss proposed items brought up at the Comprehensive Land Use Plan on January 11, 2005. The Commissioners did a tour of the indoor arena in Fillmore the same day.

Commissioner Walker and Commissioner Smith attended a GIS meeting where new software for the tracking analysis with the E-911 program was discussed. The county is looking into a company that runs its program over the internet at a cost of about \$10,000 a year, which would be less expensive than buying software for each computer unit.

Commissioner Walker reported she had made the arrangements for the AOG Recognition Banquet that will be held on February 17, 2005 at 7:00 p.m. in Delta, Utah. She reserved the Millard County Fair Building and talked to Top's City Café about catering the food. The Commissioners chose Oasis Seed as their nominee for a the 2004 Business of the Year.

Commissioner Walker reported that she has been meeting weekly with Millard Recreation and West Millard Maintenance departments. She said a golf survey that will be sent out to local golfers has been approved. A cover letter was written that will be attached to the survey. Commissioner Walker took a tour of the West Millard Swimming Pool.

All the Commissioners attended the Millard County Comprehensive Land Use Plan Meeting on January 18, 2005. They said the support of the citizen committee members is very good. Some of the issues addressed at the meeting were:

- Looking at each of the current WSA boundaries and county's proposed boundaries of the WSA's in the county.
- The existence of wild horses in Millard County.
- Working with the BLM to determine what areas 4-wheeler trails could be created.
- Randy Johnson gave an update on the Washington County Comprehensive Land Use Plan. Mr. Johnson's status with the State of Utah has changed some, but he has committed to help Millard County in their land use plan.
- The Commissioners are meeting in Beaver on January 24, 2005 to talk about Millard County's Comprehensive Land Use Plan.
- The next meeting will be held in Commission Chambers in Fillmore, Utah on February 15, 2005 at 9:00 a. m..

The BLM will meet with Millard County on a monthly basis concerning transportation and land uses.

Commissioner Walker attended a Fire District business meeting on Wednesday, January 19, 2005 at the Pahvant Senior Center in Fillmore, Utah.

Commissioner Walker attended the Western Regional Council in Beaver, Utah on January 20, 2005 where she will serve as a council member.

Commissioner Walker said that the Commissioners had approved the organization of a committee to make suggestions for the design of future growth of the Sunset Golf Course. Leon Smith was put in charge of the committee.

Commissioner Smith talked with Rick Torgerson, UDOT about possible rest areas being put in the Scipio and Fillmore area. Mr. Torgerson said UDOT has talked to individuals that want to put rest areas next to private businesses. The rest areas would not be maintained or owned by UDOT.

All the Commissioners and their wives were privileged and honored to attend Governor Huntsman's State of State Address and dinner in Fillmore, Utah. Fillmore City Mayor Starley,

Councilman Ken Martin, Fillmore City Councilmen and all the volunteers who helped with the festivities were congratulated and thanked for their effort in the historic event.

Commissioner Cooper attended the Six County AOG meeting in Richfield, Utah along with the Congressional representatives.

Commissioner Cooper attended the Utah Associations of Counties, UAC, board meeting, where he was appointed to the board, representing Six County AOG. Commissioner Cooper signed the Utah Association of Counties Conflict of Interest Affirmation and Disclosure and it will be sent to Brent Gardner at the UAC Offices in Salt Lake City, Utah. The items discussed at the meeting were:

- Signing of a contract with Intrepid Group to help generate positive stories in the media.
- To help with county education within the school curriculum .
- The Salt Lake Tribune lawsuit for UAC to open up their records.

Commissioner Cooper attended the Central Utah Public Health meeting in Richfield, Utah. A decision was made to hold the meetings in Richfield, Utah as it is a central location.

Commissioner Walker said Brush Resources has offered to give Millard County a Trimble GPS unit and the software. The Commissioners agreed to accept the equipment and it will be taken to the office in Delta where it will be available for the county to use.

Clerk Norma Brunson reported she had met with the new Lt. Governor about elections plans in connection with HAVA. She encouraged the Commissioners to attend a meeting with Lt. Governor Herbert on January 27, 2005 at 1:00 p.m. in Salt Lake City, Utah to discuss HAVA and the possible purchase of election machines.

Treasurer John Hansen reported he had received some information about the Forest Reserve Allocation for 2004 and 2005. In the past the restrictions on the money stated that 50 percent of the money was to go to the county and 50 percent was to go to the school district. This year 50 percent of the money is to go to the school district and 50 percent is to go for public road improvements.

Treasurer John Hansen said the county was contacted by LaVoy and Carolyn Erickson who have property on the 2005 May Tax Sale list. Mr. & Mrs. Erickson proposed a payment plan, to get their taxes paid before the next tax season to begin in February 2005. They would like the property taken off the May Tax Sale. The serial number on the property is D 916-1.

Commissioner Smith made a motion to accept the payment proposal by LaVoy and Carolyn Erickson for property with serial number D 916-1 to have the taxes paid before the next tax season. The property will be taken off the 2005 May Tax Sale list. Commissioner Walker SECONDED. The voting was unanimous. The motion carried.

OTHER BUSINESS

USDA Forest Service Ranger Robert Gardner invited the Commissioners to a meeting on March 10, 2005 at 9:30 to establish a Coordinated Weed Management Area , CWMA with Millard County. A specialist out of the regional office will be there to explain how cooperation between government agencies and private citizens can work.

Commissioner Cooper reported that during the Millard County Comprehensive Land Use Plan meeting Richard Draper and Kenneth Skeem gave a presentation concerning the Mustang herd in Millard County and their desire to assist the BLM in the Mustang program. Dick Draper was nominated to become Millard County's mustang representative. Mr. Draper was asked to make quarterly reports to the Commissioners in regards to plans and activities concerning the Mustang herd.

Commissioner Walker made a motion to designate Dick Draper to be Millard County's representative to the BLM wild horse program. Commissioner Smith SECONDED. The voting was unanimous. The motion carried.

Commissioner Walker made a motion to rescind the motion to accept Stuart Bailey's bid for cleaning the restrooms at indoor arena at Mr. Bailey's request. Upon Gary Hone's approval, Callie Peterson's bid, which was next in line, will be accepted. Commissioner Smith SECONDED. The voting was unanimous. The motion carried.

Commissioner Walker asked what the Commissioners would like to decide concerning the request of the West Maintenance Department's free use of the swimming pool and equipment on off hours. They discussed the pros and cons of the issue. The Commissioners will take no action on this issue.

Commissioner Cooper had received a letter from an LDS Ward in Flagstaff, Arizona who is interested in purchasing some land owned by Millard County to be used for Bible, nature, and neighborhood retreats. The property serial number is 4800-1 the parcel has 520 acres. Attorney Jackson will research the property and get the information back to the Commissioners.

Commissioner Cooper received a letter from the White Pine Commissioners in Nevada concerning the creation of a committee to fight the attack on the water reserves in other counties by Clark County, Nevada. They invited Millard County to participate on the committee. The Commissioners will make a decision will be made at a later date.

PUBLIC INPUT

There were none.

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

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

WHERE UPON THE MEETING ADJOURNED

Commissioner Smith made a motion to adjourn the meeting. Commissioner Walker SECONDED. The voting was unanimous. The motion carried. The meeting adjourned at 1:05 p.m.

Attest: _____ Approved: _____

POLICY OF MILLARD COUNTY, UTAH
ON
DONATIONS OR CONTRIBUTIONS

Commencing January 24, 2005, and continuing thereafter until amended by formal action of the Millard County Commission, following is the policy of Millard County regarding the donation of County funds or assets to any person, organization, entity, cause or project. This policy is in accordance with legal standards and guidelines, including, but not limited to, the Utah Constitution, Article VI, Section 29; Utah Code Annotated 17-50-303; and Salt Lake County Commission v. County Attorney, 985 P. 2d 899. Any donation of public funds or assets by Millard County shall meet all of the following criteria:

1. The donation must be for a valid County public purpose.
2. The donation must be given in return for fair market value in goods or services.
3. The goods or services to be rendered or delivered to the County must be a present benefit for fair market value – not speculative nor based on a future possible happening or event.
4. The goods or services to be provided to the County must be a specific present benefit in present market value, the details of which shall be specifically provided and outlined in County Commission minutes or in a written agreement between the County and the donee or recipient.
5. After first taking formal action or holding a public hearing, the County may provide services or give other non-monetary property or assistance to or waive fees required to be paid by a non-profit entity, whether or not the County receives consideration in return.

NOTICE OF PUBLIC HEARING REGARDING
WEST MILLARD CARE CENTER PROPERTY

As the citizens of Millard County are aware, the old West Millard Care Center at 275 West 100 South, Delta, Utah, as more specifically described hereafter, has been vacated and is no longer in public use. PURSUANT to Utah Code Annotated 17-50-312 and to Millard County Code of Ordinances 3.08.020, 3.08.030, and 3.08.040, NOTICE IS HEREBY GIVEN that a public hearing will be held by the Millard County Commission at its regularly scheduled meeting on January 24, 2005 at 11:00 a.m. in the Commission room, 50 South Main, Fillmore, Utah 84631, for the purpose of taking and hearing the comments of any interested person(s) who may appear regarding the future use or disposition of said vacated premises which are located in Delta, Millard County, Utah, described as follows:

Lot 3, Block 36, Plat A, Delta Townsite. (1.4 acres more or less). TOGETHER WITH all improvements, rights, privileges and appurtenances belonging. SUBJECT TO all easements, rights of way, and reservations of record or as are apparent from an examination of said property and premises.

DATED this 13th day of December, 2004.

MILLARD COUNTY COMMISSION

By _____
Daron P. Smith, Chairperson

Published in Millard County Chronicle-Progress
December 22 and 29, 2004
January 5, 12 and 19, 2005