

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 11th of APRIL 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 April and May 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 and Commissioner Smith each read a quote. Commissioner Cooper gave the opening prayer. Everyone stood and said the Pledge of Allegiance to the Flag.

FOLLOW UP ACTION ITEMS FROM MINUTES OF APRIL 4, 2005

There were none.

APPROVAL OF THE AMENDED MINUTES OF APRIL 4, 2005

Commissioner Smith made a motion to approve the amended minutes of April 4, 2005. Commissioner Walker SECONDED. The voting was unanimous.

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 April 8, 2005 to review and sign.

Auditor Grace reported that the Auditor's Office had received notice of the new retirement contribution rates from Utah Retirement Systems that goes into effect on July 1, 2005. The rates stayed the same in most areas but the rates increased from 19.08 percent to 19.34 percent for public safety. The position of the county has been that all regular contributory employees' 401K and retirement rates have been adjusted to match the public safety's rates. The Commissioners asked Auditor Grace to make up a proposal to show the costs to the county and the Commissioners will review it at next week's meeting. The state would like the county's decision by May 1, 2005.

Auditor Grace asked for some consideration in behalf of LeVeau Gillen. Her husband in the past has received a veteran's abatement and it was overlooked the last couple of years. The county is required to go back at least one year and at the discretion of the Commissioners can go back up to three years.

Commissioner Smith made a motion to authorize Auditor Grace to grant a veteran's abatement for the 2003 and 2004 property taxes on DO 5374-1 for LeVeau Gillen based on the percentage of disability. Commissioner Walker SECONDED. The voting was unanimous. The motion carried.

POSSIBLE APPROVAL OF WRITING A RESOLUTION TO SUPPORT MILLARD COUNTY AUDITOR BRANDY GRACE TO A POSITION ON THE STATE ESGR BOARD

Auditor Grace said she had been asked to serve on the state board of the Employees Support of the Guard and Reserve (ESGR).

Commissioner Walker made a motion to support Auditor Grace to serve on the state board of the Employees Support of the Guard and Reserve. Commissioner Smith SECONDED. The voting was unanimous. The motion carried.

REVIEW AND POSSIBLE EXECUTION OF MILLARD COUNTY RESOLUTION NO. 05-04-11, A RESOLUTION PROCLAIMING APRIL 17-23 COUNTY GOVERNMENT WEEK IN THE STATE OF UTAH

Commissioner Walker made a motion to sign Resolution No. 05-04-11, A Resolution Proclaiming April 17-23 County Government Week in the State of Utah. Commissioner Smith SECONDED. The voting was unanimous. The motion carried. Notice of the Resolution will be put in the newspaper.

DAN HOWARD - DISCUSSION TO LEASE OR PURCHASE SOME MINING PROPERTY

Mr. Howard was not able to attend.

CRISANNE BLACK - DISCUSSION ON BIKE/HIKE TRAIL

Crisanne Black said she was representing a group of citizens interested in finding out what the possibility would be of creating a walking, running, non motorized bike trail in the Delta area.

Utah Department of Transportation, UDOT, has some enhancement funds available as a fifty-fifty match to create pedestrian/biking trails. The enhancement program is to increase public safety by encouraging people not to walk, run or ride bikes along the highways. She handed the Commissioners a list of interested citizens. Delta City and Fillmore City have shown interest in having a trail built. Other counties are taking advantage of the UDOT enhancement program.

The Commissioners expressed interest in a trail project and they are willing to meet with UDOT to discuss the possibility and requirements of building a trail, and what funding is available. The citizens group will look at the facts and create a plan to be proposed to UDOT.

REVIEW AND POSSIBLE APPROVAL OF A BEER LICENSE FOR SUNSET VIEW GOLF SHOP, OWNER STEVE WATHEN

Commissioner Walker made a motion to approve the signing of a beer license for the Sunset View Golf Shop, Owner Steve Wathen. Commissioner Smith SECONDED, asked for discussion and asked if beer will be the only alcoholic drink sold. *(Yes, it is only a beer license.)* The voting was unanimous. The motion carried.

BID OPENINGS - KEVIN MORRIS, WEST MILLARD MAINTENANCE SUPERVISOR

Present for the bid opening were Kevin Morris, Max Wood, Gary Hone and Shonda Robison.

Auditor Brandy Grace opened one bid to clean the golf course pond from:

Bulldog Construction LLC	\$10,000.00 as per specifications. The pond will have to be dry enough to support excavation, grading and hauling equipment to grade the bottom of the pond properly for liner installation.
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Commissioner Walker made a motion to accept the (\$10,000) bid from Bulldog Construction LLC. Commissioner Smith SECONDED. The voting was unanimous. The motion carried. West Millard Maintenance Supervisor Kevin Morris was present and approved the bid.

RATIFY THE SIGNING OF THE CENTRAL UTAH PUBLIC HEALTH AGREEMENTS

Commissioner Smith made a motion to ratify the signing of the Central Utah Health Department's quarterly assessment along with the additional pay for public health nurses, Delta office rent and Fillmore office secretary agreements. Commissioner Walker SECONDED. The voting was unanimous. The motion carried.

RATIFY THE SIGNING OF THE INDIGENT CAPITAL DEFENSE FUND APPLICATION

Commissioner Smith made a motion to ratify the signing of the Indigent Capital Defense Fund Application. Commissioner Walker SECONDED. The voting was unanimous. The motion carried.

REVIEW AND POSSIBLE SIGNING OF A LETTER OF SUPPORT WITH SIX COUNTY AOG FOR RECEIPT OF \$55,000 FROM PERMANENT COMMUNITY IMPACT BOARD FUND

During the meeting the Commissioners telephoned the Six County AOG Office to make sure the \$55,000.00 from the Permanent Community Impact Board Fund would not be taken out of any funds that would be going to the counties and they were assured they would not be.

Commissioner Smith made a motion to sign the letter of support with Six County AOG for receipt of \$55,000 from the Permanent Community Impact Board Fund. Commissioner Walker SECONDED. The voting was unanimous. The motion carried. The letter was signed and will be sent to the Permanent Community Impact Fund Board in Salt Lake City, Utah. A copy will be on file in the Clerk's Office.

REVIEW OF THE MILLARD COUNTY FAIRGROUND RENTAL POLICY

The Commissioners tabled the Millard County Fairground rental policy discussion for this afternoon's work session.

SET DATE FOR PUBLIC HEARING TO HEAR THE ANNUAL REPORT OF MILLARD COUNTY DRAINAGE DISTRICT NUMBERS 1, 2, 3, & 4

Commissioner Walker made a motion to set a public hearing date to hear the annual report of the Millard County Drainage District Numbers 1, 2, 3, & 4 on May 16, 2005 at 11:00 a.m.. Commissioner Smith SECONDED. The voting was unanimous. The motion carried. Commissioner Cooper signed the Order and Notice of Hearing. The Law Offices of Waddingham and Peterson will be notified of the date of the public hearing.

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

All the Commissioners, Gary Church, Leon Smith, attended the Six County AOG Meeting in Richfield, Utah. They were able to visit with Lt. Governor Herbert, Gayle McKeachnie, Lynn Stevens, and Mike Styler about the west desert water issue and the urgency to work on keeping out a pipeline. They also discussed predator control and other issues. The State Senators, and State Representatives reviewed the activities of this year's legislature.

Commissioner Smith received a letter from the state saying there is grant money (about \$360,000) available for mosquito abatement districts to apply for this year. The money last year was tied to the creation of new mosquito abatement districts. Commissioner Smith said the money

can be used for different uses this year. Commissioner Smith will contact the committee to see if they would like to apply for some of the money.

Commissioner Walker reported that on Tuesday, April 5, 2005 one of the Millard County Jail work crew members left the job at the golf course. He took one of the recreation pickups and later had painted over the Millard County sticker, changed clothes and pawned a new chain saw. There was some damage done to the pick up. He was picked up five hours later.

Commissioner Walker attended the Red Rock CERT Disaster Training in Moab, Utah on April 7-9, 2005. Millard County was well represented with CERT trainers, commanders, members, city and county officials. Seventy of the two hundred seventy people attending were from Millard County. Millard County received a lot of praise for the way they are running their CERT programs. A lot of valuable information was given out during the training sessions. Commissioner Walker received some emergency management literature to share with the other Commissioners.

At the April 6, 2005 Millard County Planning and Zoning meeting Carling and Co. made a proposal to put a crusher on some property northwest of the overpass on the Flowell road. Carling and Co. planned to crush the material on the property to provide chips for the county contract. Fillmore City protested moving the crusher on the property. Mr. Carling walked out of the meeting before the issue was voted on. Since the meeting Tim Carling has contacted Commissioner Cooper and asked for a special session of the P&Z Board. Commissioner Cooper will talk to Leon Smith and pass on the request. It is hopeful that the issue could be resolved.

Commissioner Cooper said that the state law has changed not to allow someone who sits on the appeal board to sit on the Planning & Zoning Board. The county will have to rewrite their ordinance and when that is done a new member will be appointed to the P&Z Board and he will step down.

Commissioner Cooper, Robyn Smith, Gordon Chatland, Joyce Barney, Leon Smith and Brent Berkley attended the Millard County Planning and Zoning Meeting put on by Utah Counties Insurance Plan training on Thursday, April 7, 2005.

OTHER BUSINESS

Commissioner Smith received a letter from the Non-Urban Technical Sub-committee who would like an application filled out stating the progress of the Hwy 99 Cheese Plant Road project. Commissioner Smith will give an update on the project at the Joint Highway Committee meeting that will be held in conjunction with the road school on April 27-29, 2005 in St. George, Utah. The construction on the intersection project should begin on June 1, 2005. Two bridges in Millard County are on the UDOT list that qualifies for some maintenance. Millard County is going to apply for some 80-20 match money to repair the two bridges. Commissioner Smith will present a second proposal to get engineering money to build the Deseret Harding Road.

Commissioner Smith received a letter from the Bureau of Land Management wanting

comments from the public on the environmental impact statement on the southern Nevada water proposal. Included with the letter was the scoping meetings schedule. The Ely BLM Office will conduct a meeting in Delta, Utah on May 11, 2005 from five until nine at the fair building.

Auditor Grace and Lloyd Jacoby came in with a request for the Commissioners. He would like consideration today to pay \$2,800.00 for back taxes for two parcels and partial payment on a third parcel and pay the balance \$890.75 next week. Mr. Jacoby owes \$3,690.75 in back taxes on parcels HD 5527, HD 5528, HD 5529. He also requested that the third parcel be taken off the May Tax Sale.

Commissioner Walker made a motion to accept the payment today for \$2,800.00 which would pay the taxes in full on parcel HD 5527 and parcel HD 5528 and partial payment on the taxes on parcel HD 5529. Parcel HD 5529 will be taken off the May Tax Sale based on the partial payment and the promise of a future payment. Commissioner Smith SECONDED. The voting was unanimous. The motion carried.

PUBLIC INPUT

There were none.

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

There were none.

WHERE UPON THE MEETING ADJOURNED

The meeting adjourned at 11:25 a.m. .

Attest: _____ Approved: _____