

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 16th Day of MAY 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

ALSO PRESENT: Richard E. Lake, Debra A. Lake, Gary M. Hone, Meadow Town Mayor
Jim Talbot and Fillmore City Mayor Sam Starley

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 month of 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 asked if anyone had an opening statement to give? Commissioner Smith said the invocation. Everyone stood and said the Pledge of Allegiance to the Flag.

FOLLOW UP ACTION ITEMS FROM MINUTES OF MAY 9, 2005

There were none.

APPROVAL OF THE AMENDED MINUTES OF MAY 9, 2005

Commissioner Walker made a motion to approve the amended minutes of May 9, 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 May 13, 2005 to review and sign.

Auditor Grace said she received word from Denny Liddell, Property Division of the State Tax Commission, requesting that all county employees involved with appraisal or assessment of property sign a confidentiality statement. The request will be reviewed and discussed at next week's Commission meeting.

Commissioner Smith reported that he had picked up a check from the Treasurer and Auditor's Offices for one hundred dollars to cash at Zions Bank in Delta to be used for making change at the Sunset View Golf Course for the weekend.

EAST MILLARD MAINTENANCE SUPERVISOR GARY HONE - REPAIRS ON COURTHOUSE FRONT STEPS

East Millard Maintenance Supervisor Gary Hone reported that LaMar Jones has turned in a bid for \$11,000 to resurface the front steps and the side caps at the courthouse at 50 South Main Street in Fillmore, Utah. Mr. Jones will reduce the cost approximately \$1,900 if Millard County will pay up-front 50 percent of the cost. The Commission discussed the project and determined it would be good to get a telephone bid from Perma Bond to compare with Mr. Jones' bid before moving ahead.

Gary Hone said that the old grandstand's roof is being taken off and that most of the work on the lower portion has been done. The wood was water proofed before the painting was done.

The Commissioners and Mr. Hone discussed the need of posting a schedule of events to avoid conflicts when more than one group wants to use the same facility at the same time. They will talk to Recreation Director Russell Crosland to help with this problem. The county is in the process of writing a policy on the rules and fees to be charged for the use of county facilities. Included will be a policy for people out of Millard County using the facilities.

DECISION ON PURCHASING POLICY

Commissioner Smith said the following changes have been made to the Purchasing Policy.

ARTICLE 2 OFFICE OF THE PURCHASING AGENT - APPROVAL OF PURCHASE

The Millard County Auditor shall be the official Purchasing Agent of County. However, each other elected row official or department heads appointed and supervised by such elected row officials or the County Commission shall be responsible to make procurements, solicit bids and proposals, enter into and administer contracts, and make written determinations for County, with each of said actions to be approved in advance by the elected row official whose department is

involved or by the County Commission when the department involved is under the direct supervision of the County Commission.

ARTICLE 3 GENERAL PROVISIONS- PURCHASING PROCEDURE

A 2. Purchases costing more than \$5,000.00 but less than \$25,000.00 in total, shall require three (3) telephone bids, which shall be documented and submitted to Auditor's office prior to payment to vendor.

Commissioner Smith made a motion to approve the changes to Articles 2 and 3 of the Purchasing Policy. Commissioner Walker SECONDED. The voting was unanimous. The motion carried.

MEADOW TOWN MAYOR JIM TALBOT - POSSIBLE SIGNING ON DRINKING WATER SOURCE PROTECTION

Meadow Town Mayor Jim Talbot said Meadow Town has a letter of intent to acknowledge the Drinking Water Source Protection Plan for the Meadow East Well and a Land Use Agreement to be recorded in the Millard County Recorder's Office after it is signed. Mayor Talbot was advised to take the request to the Millard County Planner Leon Smith for approval and for it to be put on the Millard County Water Source Protection map. The documents will be signed at next week's Commission meeting if approved by Millard County Planner Leon Smith.

REVIEW AND EXECUTION OF AMENDED INTERLOCAL COOPERATIVE AGREEMENT BETWEEN MILLARD COUNTY AND UTAH STATE PARKS AND RECREATION REGARDING GUNNISON BEND RESERVOIR

Attorney LeRay Jackson had prepared an Amended Interlocal Cooperative Agreement between Millard County, Utah and Utah State Parks and Recreation and presented it to the Commissioners to review and sign.

Commissioner Walker made a motion to execute the Amended Interlocal Cooperative Agreement between Millard County, Utah and Utah State Parks and Recreation and pay five hundred dollars (\$500.00) in addition to one thousand five-hundred dollars (\$1,500.00) making the total paid, two thousand dollars (\$2,000.00) for coverage at the park for approximately 540 hours of work. The State will match the five hundred dollars (\$500.00.) Commissioner Smith SECONDED. The voting was unanimous. The motion carried. Attorney Jackson will send the document to Utah State Parks and Recreation for signing. A copy will be on file in the Millard County Clerk's Office.

PUBLIC HEARING TO HEAR ANNUAL REPORTS OF MILLARD COUNTY DRAINAGE DISTRICTS NUMBERS 1,2, 3, & 4

Present were Richard E. Lake and Debra A. Lake, Mayor Sam Starley. The hearing began at 11:00 a.m.

Commissioner Smith made a motion to open the public hearing to hear the annual reports of the Millard County Drainage Districts Numbers 1,2,3, &4. Commissioner Walker SECONDED.

The voting was unanimous. The motion carried.

Commissioner Cooper read the annual reports of the receipts, disbursements and 2004 expenditures for Millard County Drainage District Number 1, 2, 3, and 4.

Commissioner Smith made a motion to accept and sign the annual reports of the Millard County Drainage Districts 1,2,3, and 4. No public comment was given. Commissioner Walker SECONDED. The voting was unanimous. The motion carried. The public hearing ended at 11:08 a.m. Copies will be on file in the Millard County Clerk's Office.

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

All the Commissioners attended the Millard County Care Center Meeting on May 10, 2005. Nancy Schmid had the department directors introduce themselves, told what their duties are and give reports. Budgetary concerns were discussed. On May 18, 2005 at noon, another MCCC meeting will be held and County Attorney Jackson, Auditor Grace, and Treasurer Hansen will be invited.

Commissioner Smith, Commissioner Cooper, Juab County Commissioner Cook attended the Ely BLM Office scoping meeting held to discuss the proposed Southern Nevada pipeline going to the edge of Snake Valley. There were about sixty people in attendance and most of them commented that any pumping would cause a devastating negative affect on their lifestyle, quality of life as well as their livelihood.

Commissioner Smith attended the joint meeting with the Delta Oasis Sutherland Cemetery District Board and Hinckley Deseret Cemetery District Board on Thursday, May 12, 2005. The bylaws for the cemetery districts were discussed in November 6, 2000 but they had never been formalized. They would like to amend some of the bylaws and have them voted on and officially adopted. They would like to meet with the Commissioners on June 9, 2005.

The districts have some concerns about how to enforce the bylaws and several other concerns with problems associated with notice of burial requests, fees, and perpetual care.

Attorney Jackson was asked to report to them on current laws regulating cemeteries.

Commissioner Smith talked to the Safety Committee about hiring someone to take pictures and GPS all the Millard County signs. He said Adam Britt had suggested that they see if the two people who were hired to GPS the roads last year are interested in the job because they are already trained to use the equipment. If needed, another team will be considered for hire.

Commissioner Walker attended three days of meetings at SUU in Cedar City, Utah. She said the meetings were very enlightening and was a worthwhile experience. It was very well attended. They were taught ways to spend the transient room tax and she was able to talk to other county officials about how and where their TRT money was spent. There will be some restructuring of new tourism committee guidelines. Governor Huntsman spoke to the group and the new Utah Tourism Director was introduced. Robyn Pearson from Division of Natural Resources was in attendance.

Commissioner Walker had been working on some personnel issues at the Sunset Golf Course. Golf Pro Steve Wathen resigned on Tuesday, May 10, 2005. The golf pro position has opened up and will be advertised in the local newspaper. The closing date for applying for the position will be May 27, 2005. An inventory of the equipment and other assets at the pro shop has been done. Millard County will be purchasing the inventory of the pro shop including the carts and other items.

Commissioner Cooper said Governor Huntsman's task force would like a list of Millard County's Recreational Gems. Forms are provided for the Commissioners to complete.

Commissioner Cooper attend the UAC meeting in Richfield, Utah where former Commissioner Cox made a proposal to ask for a letter of support from the Congressional Delegation addressing the buying foreign oil and the rising costs of health insurance. The board agreed to pen a letter as suggested by Mr. Cox.

Millard County Attorney LeRay Jackson, Chief Deputy Attorney Brent Berkley and Auditor Brandy Grace attended a UCIP Annual Personnel Conference in Layton, Utah on May 12 & 13, 2005.

OTHER BUSINESS

Attorney LeRay Jackson was on the telephone when the minutes for May 9, 2005 were amended. He asked that an amendment be made to line 155.

Commissioner Smith made a motion to amend the amended minutes of May 9, 2005. Commissioner Walker SECONDED. The voting was unanimous. The motion carried.

Attorney Jackson said that Max Wood would like something in writing authorizing the waiving of the fees for the use of the fairground for a benefit for Jordan Brunson.

Commissioner Smith made a motion to waive the one hundred-dollar rental fee for the Millard County Fairgrounds for the Jordan Brunson Benefit event. A refundable deposit of five hundred dollars (\$500.00) will still be charged. If this event is sponsored by the school district or the county, the proof of insurance will not be needed.

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

Commissioner Walker made a motion to sign the State Court Contractual Agreement for 2005-2006 with Millard County in the amount of \$182,987.00. Commissioner Smith SECONDED. The voting was unanimous. The motion carried. Four copies of the document were signed. Clerk Norma Brunson will mail all four documents to the State. A copy will be on file in the Clerk's Office.

Commissioner Smith said Millard County received a letter from UDOT stating that in 2004 they overpaid the county \$126,531.06 on their Class B Road money. They will hold that much out of the next quarterly payment.

Commissioner Smith said a preconstruction meeting date has been set with Millard County, Sunrise Engineering Co. and UDOT on May 26, 2005 at 4:00 p.m. to discuss the Cheese Plant intersection project.

Attorney Jackson said a petition and a complaint has been filed to his office against the owner of a house in Oasis that is surrounded by trash. A copy was given to the Millard County Commissioners. The State Board of Health will investigate the matter and make a report. Charges will be filed as it is a public nuisance and is a possible health hazard.

Clerk Norma Brunson asked the Commissioners if there was anyway to get a better amplification system in the Commission room? The Commissioners will discuss this issue and look into the possibility of upgrading the sound system.

Commissioner Cooper reported he had an application for property and notice of tax settlement from Lynn Paxton. Ms. Paxton will be scheduled on next week's Commission agenda.

Commissioner Smith visited with Mike Styler on the telephone about setting up a meeting with Governor Huntsman to discuss the proposed Southern Nevada waterline project. Two dates were suggested for the meeting, either May 31, 2005 or June 2, 2005. If one of those dates will work for the Governor's schedule, the meeting will be held. Citizens who want to attend the meeting will be invited. Mr. Styler said he had talked to the Director of the Southern Nevada Water Authority who said they want to resolve the issue now and not wait until a later date.

Commissioner Cooper met with Suzanne Limburg who said that because the thirteen beds at the Fillmore Community Hospital are not adequate for Hospice patients she would like to see two additional rooms added to the facility. The estimated cost to build the two rooms is \$250,000. She is interested in contacting James Sorensen's and/or John Huntsman's Organizations to donate money to help build the two rooms at the Fillmore Community Hospital. Mrs. Limburg said they will also apply for a grant to help with this project.

Mrs. Limburg requested that Millard County sent a letter to Mr. Sorensen's and Mr. Huntsman's Organizations to support of this project. The Commissioners discussed the request and they desire more information on this project. They want to wait until the Millard County Care Center's financial issues are resolved before the addition is pursued.

Commissioner Cooper said the Millard County was notified Friday, May 13, 2005 by some farmers in the area west and north of Cedar Mountain about needing a place for the water to go because of the danger of flooding. The county road crew was authorized on Friday to open up the culvert going underneath the Cedar Mountain Road and clean the channel on the east side of the road. On Monday, May 16, 2005 fifty-second feet of water were to be released by Robert Stevens and Dean Larsen, Holden Irrigation Company. A message was left on Mr. Zubeck's State Fish and Game Office phone that they wanted to clear the channel going through the Fish and Game property, but he reported he had not received the message in time and that some critical wildlife habitat was destroyed. This was an emergency effort to save the farm ground and they didn't think it would cause any problems for the wildlife habitat, but according to Mr. Zubeck, it did.

PUBLIC INPUT

There were none.

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. Commissioner Smith 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 12:00 noon.

Attest: _____ Approved: _____