

MINUTES OF BOARD OF COUNTY COMMISSIONERS  
MILLARD COUNTY THE 23<sup>th</sup> Day of MAY BE 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: Dean Draper, Lynn Paxton, Brent Beckley, Ken Martin, Mayor Sam Starley,  
John Holliday

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 May and June 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 gave a quote and Commissioner Cooper said the invocation. Everyone stood and said the Pledge of Allegiance to the Flag.

FOLLOW UP ACTION ITEMS FROM MINUTES OF MAY 16, 2005

There were none.

APPROVAL OF THE AMENDED MINUTES OF MAY 16, 2005

Commissioner Smith made a motion to approve the amended minutes of May 16, 2005. Commissioner Walker 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 20, 2005 to review and sign.

The State Auditor's Office sent notification to Auditor Grace and Treasurer Hansen that all property tax distributed to the entities on an attached list should be withheld by Millard County immediately until written authorization for release is received. The entities have been given notice and at least 60 days to comply.

Auditor Grace said that these agencies really need to contact the State Auditor's Office and get off this list. See Exhibit A.

Auditor Grace said Max Wood, Recreation, had talked to her about the credit card machine at the golf course. He had talked with Zions Bank who will prepare the papers. Zions Bank offers a two-year contract or a six-month contract with a little higher interest. The Commissioners agreed to get a credit card machine set up for six months as soon as possible.

Commissioner Walker made a motion that Millard County enters into a six-month agreement for a credit card machine with Zions Bank. Commissioner Smith SECONDED. The voting was unanimous. The motion carried.

## DECISION TO HAVE EMPLOYEES INVOLVED IN THE APPRAISING AND ASSESSING OF PROPERTY SIGN A STATEMENT OF CONFIDENTIALITY AT THE REQUEST OF UTAH STATE TAX COMMISSION

Millard County Attorney Jackson said that the County Attorney's Office, the County Auditor's Office, the County Assessor's Office, the Treasurer's Office and the Commissioners will need to sign a statement of confidentiality. Attorney Jackson will prepare separate copies of the document for each office to sign.

## LYNN PAXTON - PROPERTY TAX ISSUE

Lynn Paxton came to Commission Meeting to ask the Commissioners to waive the taxes, penalty and interest on a parcel of property that is in the name of her father Vivian Paxton and brother Michael Pettingill. Her father and brother have recently passed away and she is working to get the property into her name. She is not working and is under a financial hardship at this time. She was just recently made aware that the taxes had not been paid during 2002-2004.

Commissioner Walker made a motion to waive the 2002, 2003, 2004 taxes, penalties and interest in the amount of \$724.39 for Lynn Paxton on the property with serial number K 1857. Commissioner Smith SECONDED. The voting was unanimous. The motion carried.

EAST MILLARD MAINTENANCE SUPERVISOR GARY HONE - REPORT ON PROJECT RELATING TO REPAIRS ON COURTHOUSE FRONT STEPS

Gary Hone, East Millard Maintenance Supervisor had received another bid for the courthouse step replacement project. He would like some time to check the references of the new company and evaluate the bids before a company is awarded the job.

KEN CLARK AND KAREN JOHNSON - DISCUSSION ON CERT EQUIPMENT

Commissioner Smith said that he spoke with Delta City Mayor Bunker, Ken Clark and Karen Johnson about getting some CERT supplies for Delta City. Their concern was whether they could go ahead and purchase the supplies and the county would reimburse the city or if the county wanted to pay the invoice direct.

Auditor Grace reminded the Commissioners that the county policy is to pay the invoices directly. Delta City should only purchase the supplies in the amount the city was allocated from the funds donated by Millard County for the CERT Program.

MEADOW TOWN MAYOR JIM TALBOT - POSSIBLE APPROVAL OF DRINKING WATER SOURCE PROTECTION

Attorney Jackson said Meadow Town's application for the Drinking Water Source Protection application was approved by Millard County Planner Leon Smith.

Commissioner Smith made a motion to approve the Drinking Water Source Protection for Meadow Town. Commissioner Walker SECONDED. The voting was unanimous. The motion carried. The document was signed, attested and notarized. A copy will be on file at the Clerk's Office. The original will be given to Meadow Town Mayor Jim Talbot.

RATIFY THE SIGNING OF THE STATE COURT CONTRACTUAL AGREEMENT

Commissioner Walker made a motion to ratify the signing of the State Court Contractual Agreement. Commissioner Smith SECONDED. The voting was unanimous. The motion carried.

AUDITOR GRACE - BID OPENING FOR SURPLUS PROPERTY

Auditor Grace said an ad was published in the Millard County Chronicle Progress that the county would accept written bids for the following surplus properties.

- 1997 Ford Crown Victoria
- 1997 Ford Crown Victoria
- 2001 Ford Crown Victoria
- 1981 Ford LTD
- 1984 Ford Van
- 1997 Chev Van
- Large Pile of Dirt

30x 60 Canvas Tent  
Glass Panels  
Various Cabinets & Kitchen Cupboards

Auditor Grace said she didn't get much response to the ad. She opened the bids that were received and Attorney Jackson posted them on the board.

<b>Dirt</b>	<b>Steve Draper</b>
\$250 @ site	
\$1,250 if delivered 7 miles to Hinckley	

<b>Cars</b>	<b>Steve Robison</b>
1997 Ford Crown Victoria	\$402.00
1997 Ford Crown Victoria	\$402.00
1984 Ford Van	\$385.00

<b>Tent</b>	<b>Keith Johnson</b>
\$50.00	

\$1005.00	<b>Delta City</b>
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Commissioner Walker made a motion to award the bid for the tent to Delta City for \$1005.00. Commissioner Smith SECONDED. The voting was unanimous. The motion carried.

Commissioner Walker made a motion to award the bid to Steve Robison for the 1997 Ford Crown Victoria for \$402.00, the second 1997 Ford Crown Victoria for \$402.00, and the 1984 Ford Van for \$385.00. Commissioner Smith SECONDED. The voting was unanimous. The motion carried.

Commissioner Smith made a motion to accept bid from Steve Draper for the dirt at the site for \$250.00. Commissioner Walker SECONDED. The voting was unanimous. The motion carried.

Auditor Grace will notify the people awarded the bids.

#### HEARING ON FILLMORE CITY'S APPEAL ON THE MILLARD COUNTY PLANNING COMMISSION MEETING HELD MAY 3, 2005

Present for the hearing were: Mayor Sam Starley, Ken Martin, Richard Waddingham. Hearing began at 11:30 a.m.

Attorney Richard Waddingham, Fillmore City Attorney reported that he along with Fillmore City Mayor Starley, Councilman Ken Martin met with Carling and Company on Friday, May 20, 2005. In an effort to resolve concerns surrounding the issuance of the conditional use permit and to avoid the possibility of a lengthy delay in bringing this matter to a closure, the parties met and stipulated to amend the conditional use permit. They came to a compromise over the gravel operation lying adjacent to Fillmore City limits. Fillmore City asked that the regulations of the Division of Air Quality be attached as part of the conditional use permit.

Commissioner Walker made a motion to approve the agreement between Fillmore City and Carling and Company. The Division of Air Quality regulations will be incorporated in a conditional use permit issued by Millard County Commission. Commissioner Smith SECONDED. The voting was unanimous. The motion carried. The agreement was signed by Commission Chairman Cooper. A copy will be on file at the Millard County Clerk's Office. The other copies will be distributed to the other interested parties.

The hearing closed at 11:39 a.m.

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

All the Commissioners and the Millard County Comprehensive Land Use Plan advisory board and committee members attended a field trip. A group of about thirty people toured the WSA boundaries throughout the county. Some of the sites they visited are:

- The King Top, the area has been proposed for a recreation area
- The telecommunication site looking in the Snake valley
- Conger Spring and Skunk Spring
- Tule Valley Spring which would be affected if pumping is allowed
- Sinbad
- Death Canyon
- Marjum Pass
- North Canyon

Randy Johnson gave a review of where the Washington County's proposal plan is now. J. J. Brown from Senator Hatch's Office gave an update of the political environment in Washington D.C. The Commissioners thought it was a very successful trip.

Commissioner Smith reported a phone call from a citizen complaining about a water problem on a dairy in Sutherland area. The dairy is pumping water out of their containment tank onto the ground and pooling up which creates a health issue. Commissioner Smith will contact Wade Tolbert to investigate the problem.

Commissioner Smith reported Richard Beckstrand and Adam Britt have ordered the GIS software for the county. They are getting quotes on the server to house the information. Hopefully the cost will be less than \$5,000.00.

Commissioner Smith talked to Rex Stanworth who is a member of the Southern RAC Board who reported that the county commissioner assigned to the board has not attended the meetings for the last two years. He asked that the Commissioners to send a letter to UAC to try and get someone else appointed who would get involved with the issues. The introduction of wolves in Utah issue passed and will be recommended to the Big Game Board. Millard County Commissioners will write some letters opposing the introduction of wolves into Utah.

Commissioner Cooper said that a board was set up to study the wolf issue and the UAC representative didn't go to any of the meetings to represent the counties. Letters will be sent out asking for the counties' opinions on the issue.

Also, a plan is needed to help in the natural migration of wolves into Utah from other states.

Commissioner Smith was contacted by Waldo Warnick who complimented Millard County for spraying the weeds along the roadsides.

Commissioner Walker and Commissioner Cooper on Wednesday, May 18, 2005 met with the Millard County Care Center and discussed the center's financial issues.

Commissioner Walker talked to Morris Burton, Sheriff's Office who asked if the old care center building could be used for search and rescue training. She granted them permission to use the building.

Commissioner Walker said that Allison Wood asked if some of the fairground's tables could be used for the Women's Health Conference that was held in Delta on Saturday, May 21, 2005. Commissioner Walker gave them permission to use the tables. However, there is a new policy beginning January 2006, that the tables and chairs will not be let out of the building.

Mary Jo Smith from the school district contacted Commissioner Walker about a fund raiser dance to raise money to pay for a bone marrow transplant for Jordan Brunson. Commissioner Walker donated, in behalf of the county, two nine hole golf games with two carts amounting to about thirty to forty dollars. She talked to Commissioner Smith and Commissioner Cooper by phone and they agreed to the donation.

Commissioner Cooper attended the Central Utah Public Health meeting. Some new policies have been implemented for employees evaluations. The Human Relations Committee has been reorganized. A new policy on tattoo parlors is being drafted for the Six County area.

Red Rock Cheese Plant wants to land apply their whey water and this issue was discussed. The board had some concerns about the land application but thought the minute amount of whey in the water would evaporate. The health inspector, Wade Tolbert and the Commissioners will be asked to meet with the managers to discuss this issue.

Commissioner Cooper said that Millard County was complimented for the good health fairs where held in Fillmore and Delta. The county was also complimented on their CERT program as being the best in the state.

Commissioner Walker received a call from Ken Skeem from Deseret, Utah who talked to her about pending litigation involving county employees. He had tried to pay his taxes with gold or silver coins but the county refused to accept the coins. He wanted to know if she was going to stick with the county policy and become part of the lawsuit. Commissioner Walker said she would stand with the county's policy.

Commissioner Cooper said that on Thursday, May 19, 2005 he attended the Utah Association of Counties meeting where they decided on the direction the new Public Land Director Brad Shafer activities will take.

Attorney LeRay Jackson said that the legal opinion of the State Attorneys Office is that Bookmobile employees are state employees and that counties like Millard County who don't have a library don't need a library ordinance. He reported that Auditor Grace has received the check from the state bookmobile grant.

Commissioner Cooper and Commissioner Smith attended the IHC Health Fairs that were held in Fillmore and Delta respectfully. This years health fairs were some of the best ever held in the county. A lot of people attended the health fairs and took advantage of getting up to date medical and health information, testing and participating in the other activities.

Millard County Clerk Norma Brunson asked the Commissioners if she could charge their budget for the \$206.00 to pay for the cassette tapes used at Commission meeting. The Commissioners said they will pay for the tapes.

Treasurer John Hansen said that last Friday the Multi County Computer Trust Group met to discuss the sale of Tiburon to Compudine. The new company may or may not provide the services that Tiburon had agreed to give the seven counties. The group is looking at different companies to provide the services to the counties. In Millard County, Richard Beckstrand and the elected officials, affected by the change, are looking at several options for a new system. One possibility that they might choose is Tyler Technologies. The Auditors Office and Clerk's Office are using Incode which is a division of Tyler Technologies. Tyler Technology's computer system should be done in time for the 2006 tax year. The cost for a taxation program will run about \$250,000. The proposals will be brought to the Commissioners for consideration when the evaluation of the company's programs are finished.

## OTHER BUSINESS

Commissioner Smith said Millard County had received a Memorandum of Understanding from the Ely BLM Field Office. The MOU is between the Bureau of Land Management, the Ely BLM Field Office, Millard County, the Fillmore BLM Field Office. Millard County is a cooperating agency to oppose the Southern Nevada water project. Commissioner Smith would like all the Commissioners and Attorney Jackson to review the MOU before it is signed. The item will be on the agenda for June 6, 2005.

Commissioner Walker reported that five of the carts at the Sunset View Golf Course had been leased by the golf pro for five years at \$293.65 a month or \$3,523.80 a year. He still owes \$17,656.47 on the leased carts. The cost of a new cart is between \$3,900 and \$4,000. The Commissioners will evaluate the condition of the carts out before a decision is made to buy them out right or continues to lease them.

Commissioner Cooper received a copy of a letter sent to Frank Peterson written by Wade Tolbert, Environmental Health Scientist, Central Utah Public Health Department. Mr. Peterson had filed a health complaint about the dust being produced by Tim Tuttle's silage bag operation. After Mr. Talbot investigated Mr. Tuttle's operation and visited Mr. Peterson property he determined that

the home is in an agricultural zone and agricultural zones are protected from nuisance complaints including dust and noise. The home is surrounded by other farm operations that could contribute to the problem. However, Mr. Tuttle will continue to make every effort to minimize the dust produced by his business by using a water truck to moisten the area while bagging and on the gravel roads on his property.

Commissioner Cooper received a request from Jim Stevens, USU Extension. Mr. Stevens reported that the 4-H District Riding Club meet will be held in Fillmore on August 5-6, 2005. He would like the rental on the stalls reduced to \$12.00 including a bale of shavings. The Commissioners discussed the request and will make a decision at the next Commission meeting.

The region meet will be held on August 26-27, 2005.

Mr. Stevens reported that the Bits and Boots Riding Club held their first meet.

The UAC Summer Workshop will be held on June 24, 2005 in Richfield, Utah. The Commissioners will attend.

Commissioner Cooper received a letter from Sally Wisely, State Director of the BLM inviting the Commissioners to attend a BLM interactive broadcast that will be hosted at each field office on May 24, 2005 from 10:00 a.m. Director Kathryn Clark will lead in a discussion.

Commissioner Smith said that the weed cooperative meeting will be held on May 31, 2005 at 7:00 p.m. in Delta, Utah.

The construction management meeting for the cheese plant road project will be held at the Commission Chambers in Fillmore, Utah on May 26, 2005 at 4:00 p.m.

Commissioner Smith was contacted by UDOT and was reminded that Millard County's road data has not been updated since 1992. He will look into getting those reports updated.

Deputy County Attorney John Holliday reported that Drug Court is progressing well. One participant has made some real changes in his life and has finished the program and will graduate in July 2006. There are three others in the program at the present time.

Deputy Attorney John Holliday and Judge Donald J. Eyre will be attending the upcoming Utah Drug Court Convention.

Auditor Grace and Treasurer Hansen reviewed the 2005 May Tax Sale Property List with the Commissioners.

Commissioner Walker made a motion to remove the four parcels owned by Melinda D. Long from the 2005 May Tax Sale because the taxes, penalties and interest are paid in full. She will be given four months to pay the \$400.00 administrative charges. Commissioner Smith **SECONDED**. The voting was unanimous. The motion carried. Serial numbers for the property are 8214-1, 8339, HD DES 1-32, and HD DES 33-56.

Treasurer Hansen asked if there should be a difference between how payment is taken from



an owner or a buyer? Millard County's Ordinance needs to be checked and possible changed to state that personal checks will not be accepted at the time of the tax sale.

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 Meeting to discuss pending litigation. Commissioner Smith SECONDED. The voting was unanimous. The motion carried.

WHERE UPON THE MEETING ADJOURNED

The meeting adjourned at 12: 40 p.m.

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

# Utah State Auditor's Office - Withhold Funds Report

County Millard

Entity Name	Entity Type	Year / Report Type
Leamington Town	Town	2000 Financial Report
Leamington Town	Town	2000 UT Form / Survey of Local Governme
Leamington Town	Town	2001 Financial Report
Leamington Town	Town	2001 UT Form / Survey of Local Governme
Leamington Town	Town	2002 Financial Report
Leamington Town	Town	2002 UT Form / Survey of Local Governme
Leamington Town	Town	2003 Budget Report
Leamington Town	Town	2003 Financial Report
Leamington Town	Town	2003 UT Form / Survey of Local Governme
Leamington Town	Town	2004 Budget Report
Leamington Town	Town	2004 Financial Report
Leamington Town	Town	2004 UT Form / Survey of Local Governme
Leamington Town	Town	2004 12/31 Deposit and Investment Repor
Leamington Town	Town	2005 Budget Report
Lynndyl Town	Town	2004 Financial Report
Lynndyl Town	Town	2004 UT Form / Survey of Local Governme
Millard County Drainage District #4	Special	2003 12/31 Deposit and Investment Repor
Millard County Special Service District #8	Special	2005 Budget Report
Millard County Water Conservancy District	Special	2003 Financial Report
Millard County Water Conservancy District	Special	2003 UT Form / Survey of Local Governm
Millard County Water Conservancy District	Special	2003 12/31 Deposit and Investment Repor