

MINUTES OF BOARD OF COUNTY COMMISSIONERS  
MILLARD COUNTY THE 6<sup>th</sup> Day of JUNE 2005  
AT THE COURTHOUSE, FILLMORE, UTAH

PRESENT: John C. Cooper . . . . . Chairman  
Kathy Y. Walker . . . . . Commissioner  
  
LeRay Jackson . . . . . County Attorney  
Norma Brunson . . . . . County Clerk  
Janice Robins. . . . . Deputy County Clerk

ALSO PRESENT: Dean Draper, Shonda Robison, John Kimball and Robert Dekker.

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 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 gave a statement of appreciation to the US Armed Forces for protecting the United States, our allies and others throughout the world. He expressed a special thanks to those who have given their lives in the middle east. Commissioner Cooper said the invocation. Everyone stood and said the Pledge of Allegiance to the Flag.

FOLLOW UP ACTION ITEMS FROM MINUTES OF MAY 23, 2005

There were none.

APPROVAL OF THE AMENDED MINUTES OF MAY 23, 2005

Commissioner Walker made a motion to approve the amended minutes of May 23, 2005. Commissioner Cooper stepped from the Chair and SECONDED the motion. 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 June 3, 2005 to review and sign.

Auditor Grace reported that she had received an offer from Jack Peterson for the surplus swimming pool glass panels. He offered \$10.00 a panel for the 16 panels totaling \$160.00.

The Commissioners discussed the offer and determined the panels were worth more than ten dollars a panel.

## REPORT FROM EAST MILLARD MAINTENANCE SUPERVISOR GARY HONE ON COURTHOUSE FRONT STEP REPLACEMENT

Commissioner Cooper reported that East Millard Maintenance Supervisor Gary Hone has not yet received a bid from the second company to replace the steps on the courthouse at 50 South Main Street in Fillmore, Utah.

## POSSIBLE APPROVAL OF A BUSINESS LICENSE FOR TOPAZ PRECAST- OWNER KERRY MANIS

Commissioner Walker made a motion to approve the business license for Topaz Precast - Owner Kerry Manis. Commissioner Cooper stepped from the Chair and SECONDED the motion. The voting was unanimous. The motion carried.

## EXECUTION OF RESOLUTION NO. 05-06-06, A RESOLUTION AUTHORIZING THE EXECUTION OF MERCHANT APPLICATION WITH ZIONS BANK

Millard County Attorney LeRay Jackson said that the resolution is for Millard County to be able to accept credit card payments at the Sunset View Golf Course for a six-month period.

Commissioner Walker made a motion to adopt Resolution No. 05-06-06, A Resolution authorizing the execution authorizing of merchant application with Zions Bank.

Commissioner Cooper stepped from the Chair and SECONDED. Clerk Norma Brunson called for a roll call vote. Commissioner Walker. YES. Commissioner Cooper. YES. The motion carried.

## REVIEW AND POSSIBLE EXECUTION OF CONDITIONAL USE PERMIT FOR CARLING EQUIPMENT COMPANY

Attorney LeRay Jackson said he has prepared the Conditional Use Permit for Carling Equipment Company that incorporates the signed agreement from Carling and Company and

Fillmore City. He said the Air Quality Requirements are attached as requested by Fillmore City. It will need to be signed by each of the Commissioners.

Commissioner Walker made a motion to approve the Conditional Use Permit for Carling Equipment Company. Commissioner Cooper stepped from the Chair and SECONDED the motion. The voting was unanimous. The motion carried.

Attorney Jackson said he will make sure the attached requirements are the same ones that Fillmore City, their Attorney, Richard Waddingham and Carling Company had agreed to. A copy will be sent to the Clerk's Office after it is signed by Commissioner Smith who was excused from today's meeting.

#### REVIEW AND POSSIBLE SIGNING OF A MEMORANDUM OF UNDERSTANDING BETWEEN THE BLM, THE ELY BLM FIELD OFFICE AND MILLARD COUNTY IN REGARDS TO SOUTHERN NEVADA WATER PROPOSAL

Attorney LeRay Jackson said that he has prepared six copies of the Memorandum of Understanding between the BLM, Ely BLM Field Office, and Millard County and he has added several items Millard County is interested in. Attorney Jackson said that Commissioner Smith will be the contact person for Millard County.

Commissioner Walker made a motion to sign the Memorandum of Understanding between the BLM, Ely BLM Field Office and Millard County in regards to the Southern Nevada Water Proposal. Commissioner Cooper stepped from the Chair and SECONDED the motion. The voting was unanimous. The motion carried. The six original documents will be sent to the BLM Office. A copy will be sent to Clerk's Office.

Commissioner Cooper said a field trip to tour the length of the proposed Southern Nevada pipeline will be held June 8 & 9, 2005 and hosted by Southern Nevada.

Utah's Congressional representatives Chris Cannon and Bob Bennett and possibly UAC representative Brad Shafer will be attending the tour. Millard County is especially interested in what happens in the Snake Valley and Spring Valley areas.

#### DECISION ON WHAT TO CHARGE FOR STALLS AND THEIR FACILITIES FOR A UTAH STATE RIDING CLUB ORGANIZATION HORSESHOW

The Commissioners discussed Jim Stevens' request to have the stall fees lowered to \$12.00 with a bale of shavings. After checking with Kevin Morris at West Maintenance for the current fees charged, the Commissioners were told the current county policy is to charge \$15.00 a stall and to furnish one bale of shavings. The Commissioners recommended that they keep with current Millard County policy and charge \$15.00 per stall with one bale of shavings for the horseshow.

#### OPEN BIDS FOR SECURITY KEY SYSTEM - SHERIFF'S OFFICE

Robert Dekker said that three bids have been received by the Sheriff's Office and they had been opened with the mail. When recognized as bids, the envelopes were resealed.



2005. The Miss Millard Pageant will be held on Saturday, July 30, 2005 at the Palladium in Delta, Utah. The swim suit competition may have to be held during the pageant this year. Last year they had permission to hold the swim suit competition before the pageant.

Commissioner Walker talked to Joyce and Michael Barney about the updates at the golf course and with their PUD, Planned Unit Development.

Commissioner Cooper participated in a conference call with Gayle Norton and his staff concerning cooperating agencies status during the processes with the BLM. Currently all the offices in the Salt Lake BLM District are under a moratorium. No planning will be done until the moratorium is lifted. The Congressional delegation has been petitioned to help lift the moratorium to help in planning and decisions that need to be made.

Commissioner Cooper attended a meeting in Salt Lake City, Utah with the Lieutenant Governor and the head of Utah Elections, Michael Cragun where HAVA, Help America Vote Act was discussed. He shared the information with Millard County Clerk Norma Brunson who had received the same information at a Clerk's meeting. Right now it looks like the county will participate in the initial buying in order to take advantage of any available funding.

Commissioner Cooper and Commissioner Smith attended a meeting with Johansen Construction Company and Sunrise Engineering Company to discuss the cheese plant road. The project will begin the first week in June and will be finished before July 4, 2005.

#### OTHER BUSINESS

Attorney Jackson suggested that it may be better for the Commissioners to postpone decisions on granting tax abatements when they are first heard during a Commission meeting. The Commissioners should not make a decision until further investigation has been gathered on the requests to make a better assessment on each case. Commissioner Walker said that Auditor Grace was planning to get all the information to the Commissioners prior to Commission meeting. If the information is not available then the decisions will be postponed.

Commissioner Walker has the letter from Millard County to Utah Wildlife Department of Natural Resources notifying them of the county's opposition to the introduction of grey wolves into Utah. Attorney LeRay Jackson read the letter.

Commissioner Walker made a motion to send the letter, after a minor correction, to Utah Wildlife Department of Natural Resources. Commissioner Cooper stepped from the Chair and SECONDED the motion. The voting was unanimous. The motion carried.

Commissioner Walker read a letter from Lawrence Wiencke at the University of Utah informing Millard County that the Auger site will be put in Colorado. Millard County Commissioners expressed their disappointment that Millard County was not selected for the Auger site.

Commissioner Cooper made a clarification statement on a situation that had happened a couple of weeks ago. A renovation project at the racetrack and grandstand in Fillmore, Utah created some surplus used lumber and metal roofing. A citizen from Meadow asked for some of the surplus lumber and Commissioner Cooper said all right as he thought it had no worth anyway. Commissioner Cooper tried to contact Gary Hone to let him know what he had done. Commissioner Cooper wasn't able to contact Gary Hone. Later the material was reported stolen to the Millard County Sheriff Department.

Commissioner Cooper said he admitted that he had made a mistake on this decision. He had not followed the county procedure to either put surplus properties up for bid or take it to the dump. Almost everything has a value to someone. There was no criminal intent made by either party and the wood has been brought back to the county. In order to avoid any problems in the future, surplus properties will be put up for public bids and will not be given on a first come first served basis.

Commissioner Cooper said that a few weeks ago there had been an expected flood in the Cedar Mountain Road area. He had been contacted by some concerned farmers to open up the culvert because of the emergency situation. The Millard County Road Department had been called in to do the work. Commissioner Cooper said it was his understanding that the Division of Wildlife Resources, Fish and Game people managers would be informed, but they could not be contacted.

When the channel was cleaned out, some of the Fish and Games' natural habitat for wild life had been destroyed. The county has agreed to help rectify the problem caused to the fish and game project and apologized for any excess damages that were done.

In retrospect the Sheriff's Office should have the primary role when there is an impending disaster.

A motor vehicle contract from Droubay Chevrolet for a trade in of a 2002 Silverado for a 2005 Chevrolet Crew Cab 4x4 was reviewed by the Commissioners.

Commissioner Walker made a motion to approve the contract from Droubay Chevrolet. Commissioner Cooper stepped from the Chair and SECONDED the motion. The voting was unanimous. The motion carried.

Commissioner Walker made a motion to approve the Six County quarterly payment (\$15,911) for senior services. Commissioner Cooper stepped from the Chair and SECONDED the motion. The voting was unanimous. The motion carried.

Commissioner Walker said Carolyn Walker from the ME Bird Center has made a request for a replacement vehicle to deliver for meals on wheels. She has been allowing an employee to use her personal car until they can get another car. The Commissioners approved one of the surplus vehicles when it becomes available.

Commissioner Cooper said that on June 1, 2005 they learned at the Air Quality Meeting the Sierra Club has filed an appeal to the courts against the Air Quality refusal to let them intervene in the IPP matter.

Attorney LeRay Jackson said that in 2001, notice was given that the golf course club house

water does not meet the state board requirements. There are certain things that need to be done including testing. Notice has been given again that the county has thirty days to bring the drinking water system up to state standards. The county may have to hire Neil Forster as a consultant if needed.

The Department of Ag and Food sent Millard County a reminder that they have not submitted a request to get the payment or reimbursement for the predator control program. The deadline is June 30, 2005. The reminder was given to Commissioner Walker to take to Commissioner Smith.

A letter from Delta City for a petition for annexation of property to Delta City was turned into the Millard County Commissioners. The Commissioners reviewed the request. A copy of the petition will be on file at the Millard County Clerk's Office.

Commissioner Cooper received a letter from the Utah Department of Transportation about a road jurisdiction study. They would like to turn over to the county several roads in the Fillmore, Delta and Greenwood areas. The county is not interested in this offer if the state does not transfer the road funds to help pay for the upkeep.

A letter was received from Lt. Governor Herbert concerning the formation of the Public Lands Policy Coordinating Office with Lynn Stevens as the director. The advisory board members are State Senator Beverly Evans, State Representative Mike Noel, Commissioner Maloy Dodds, Garfield County and Commissioner John Cooper, Millard County. They are requesting advice to set policy and goals of the administration and legislature.

Commissioner Cooper reported that a letter was received from the Utah Department of Health giving an update on the status of the medicare long term managed care initiative known as Flex care. There is going to be an expansion of the program. The letter was given to Commissioner Walker to review.

The Days of the Old West Rodeo will be held on June 16, 17, and 18, 2005. Commissioner Cooper said that the rodeo committee is doing a great job with the preparation for the rodeo. The parade will be held on June 16 at 6:00 p.m. The rodeo should be good with great stock and cowboys and a good specialty act.

Commissioner Cooper reported that the Fillmore National ATV Jamboree will be held June 21 thru June 25, 2005. Two hundred and fifty (250) people have signed up for the event. The Commissioners will attend the opening ceremony of the Jamboree. Sherry Shepherd, one of the leaders of the ATV Jamboree Committee, asked the county if they had any suggestions for ways to get the road open on top of the mountain for the trail ride.

The Millard County Comprehensive Land Use Plan meeting has been postponed until July 2005 because of conflicts with time schedules.

Captain John Kimball turned in the invoice for the overtime payment for Utah Highway

Patrol's extra speed control in the amount of \$2,640.00. He said that the extra speed control program has generated in excess of \$14,000 already if all the fines are paid in full.

Commissioner Walker made a motion to approve the payment of the billing to UHP for \$2,640.00 to pay the overtime for the extra speed control program. Commissioner Cooper stepped from the Chair and SECONDED. The voting was unanimous. The motion carried.

Captain Kimball reported on an incident with an indigent woman being left at Cove Fort. He said the lady had been taken by ambulance to the Fillmore Medical Center for treatment. She was giving application papers for indigency and put up in a local hotel.

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

Commissioner Walker made a motion to adjourn the meeting. The meeting adjourned at 11:55 p.m..

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