

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 10th DAY OF APRIL 2006
AT THE COURTHOUSE, FILLMORE, UTAH

PRESENT: Kathy Y. Walker Chairman
Daron P. Smith..... Commissioner
John C. Cooper. 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 2006.

PUBLIC WAS WELCOMED

The meeting began at 10:00 a.m. after a brief welcome by Commissioner Walker to the public and Commission members.

OPENING STATEMENTS

Commissioner Walker asked if anyone had an opening statement to give? Commissioner Smith read a quote from Robert E. Lee. Commissioner Cooper said the invocation. Everyone stood and said the Pledge of Allegiance to the Flag.

FOLLOW UP ACTION ITEMS FROM MINUTES OF MARCH 27, 2006

There were none.

APPROVAL OF THE AMENDED MINUTES OF MARCH 27, 2006

Commissioner Cooper made a motion to approve the amended minutes of March 27, 2006. Commissioner Smith SECONDED the motion. The voting was unanimous. The motion carried.

FOLLOW UP ACTION ITEMS FROM MINUTES OF APRIL 3, 2006

There were none.

APPROVAL OF THE AMENDED MINUTES OF APRIL 3, 2006

Commissioner Smith made a motion to approve the minutes of April 3, 2006. Commissioner Cooper 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 April 7, 2006 to review and sign.

Auditor Grace said a bill was received from Commercial Business Radio for \$500.00 to pay the processing fee from third party company in regards to an FCC application that was filed by the Millard County CERT Program. Because there were some outstanding license fees for Millard County, the CERT application was rejected. This caused CERT to reapply and pay the license fees. CERT leaders feel that because it was not their fault that the first application was rejected, they don't feel that the additional fees should be taken out of CERT funds.

The Commissioners discussed the pros and cons of the issue. They made a decision to pay the bill out of CERT funds as there are no other funds available to pay the bill.

Auditor Grace asked someone to cover her at the Utah Association of Counties meeting on April 20, 2006 where jail costs and reimbursement will be discussed. Commissioner Smith said he would go to the meeting.

Utah Association of Counties had sent out a memo in reference to an increase in TRT, Transient Room Tax money from 3 to 4 1/4. The Commissioners and Auditor will discuss where the additional funds should be put. They will discuss their decision with the Millard County Tourism Board.

Commissioner Cooper made a motion to removed James Todd's name from the May Tax Sale contingent upon his application being submitted and is reviewed and approved. Millard County is considering this action because it is his primary residence and because of extreme hardship. Millard County will apply the payment previously made to the principal balance and waive the penalty and interest due. One hundred dollars for the title search will be charged for each parcel. The balance will need to be paid by October 31, 2006.

Commissioner Smith SECONDED the motion. The voting was unanimous. The motion carried.

RATIFY THE APPOINTMENT OF TONY STANWORTH TO THE DELTA OASIS CEMETERY

BOARD

Commissioner Smith made a motion to ratify the appointment of Tony Stanworth to serve on the Delta Oasis Cemetery Board.

Commissioner Cooper SECONDED the motion. The voting was unanimous. The motion carried.

RATIFY THE MOTION TO INCREASE THE MILLARD COUNTY BUILDING PERMIT FEES- 10 PERCENT

Commissioner Smith made a motion to ratify the motion to increase the Millard County Building Permits Fees - 10 percent based on the schedule.

Commissioner Cooper SECONDED the motion. The voting was unanimous. The motion carried.

REVIEW AND POSSIBLE EXECUTION OF GROUND LEASE BETWEEN IHC AND MILLARD COUNTY ON MILLARD COUNTY CARE CENTER

Jim Beckstand, IHC Hospital Administer was present.

Commissioner Cooper made a motion to execute the ground lease between IHC and Millard County on Millard County Care Center.

Commissioner Smith SECONDED the motion. The voting was unanimous. The motion carried. Four copies of the lease were signed by Commissioner Walker.

POSSIBLE APPROVAL OF A BUSINESS LICENSE FOR STEPHENSEN DRILLING-OWNER SCOTT STEPHENSEN

Commissioner Smith made a motion to approve the business license for Stephensen Drilling-Owner Scott Stephensen.

Commissioner Cooper SECONDED the motion. Commissioner Walker recused herself as she is related to the owner's wife. Commissioner Smith and Commissioner Cooper voted yes. The motion carried.

PUBLIC HEARING TO APPROVE THE ANNUAL REPORT FOR MILLARD COUNTY DRAINAGE DISTRICTS NOS. 1-4

Commissioner Smith made a motion to go into a hearing to hear and approve the annual report for Millard County Drainage District Nos. 1-4.

Commissioner Cooper SECONDED the motion. The voting was unanimous. The motion carried. The public hearing began at 11:20. No one from the public was present.

Commissioner Smith read the annual report from each of the Drainage Districts.

Millard County Drainage District No. 1. The Trustees levied an assessment on property taxes on the total equalized benefits of the lands within the district for the year 2005 in the amount

of 1.9%. Total receipts were \$37,683.70, the disbursements were \$20,079.54. The book balance as of December 31, 2005 was \$17,604.16. (Including checking account balance \$2,586.79 and CD account balance of \$15,017.37.) Trustees for Drainage District No. 1 are Waldo Warnick, Mike Palmer and Dallas Anderson.

Millard County Drainage District No. 2. The Board of Trustees levied an assessment on property taxes on the total equalized benefits of lands within the district for the year 2005 in the amount of 2.1%. Total receipts were \$61,559.35, the disbursements were \$12,035.41. The book balance as of December 31, 2005 was \$49,523.94. (Including the savings account and the checking account.) Trustees for Drainage District No. 2 are Robert Anderson, Clayton Jeffery, and Tony Anderson.

Millard County Drainage District No. 3. The Board of Trustees levied an assessment on property taxes on the total equalized benefits of lands within the district for the year 2005 in the amount of 1.4%. Total receipts were \$45,107.34, total disbursements were \$20,473.30. The book balance of December 31, 2005 is \$24,634.04. Trustees for Drainage District No. 3 are Theo Berry, Kenneth G. Fowles and Richard R. Young.

Millard County Drainage District No. 4. The Board of Trustees deemed it unnecessary to levy an assessment on property taxes on the total equalized benefits of the lands within the district for the year 2005. Total receipts were \$33,381.05, total disbursements were \$5,224.70. The book balance of December 31, 2005 was \$28,156.35. The Trustees for Drainage District No. 4 are Dennis Stefanoff, Scott Anderson, and Bent Mork.

A motion was made by Commissioner Cooper and seconded by Commissioner Smith and the hearing closed with a unanimous voting. The hearing closed at 11:26 a. m..

Commissioner Smith made a motion to approve the annual report of Millard County Drainage District Nos. 1-4 as was reviewed in the public hearing.

Commissioner Cooper **SECONDED** the motion. The voting was unanimous.

The Commissioners expressed appreciation for the service that the Millard County Drainage District Trustees give. They do a good job in managing their districts and their projects. They only issue a levy when absolutely necessary. Thanks was given to Connie Stott at Waddingham and Peterson for handling the paperwork and keeping things legal.

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

Commissioner Cooper and Commissioner Walker attended the Association of Governments, AOG meeting in the morning. This meeting was with commissioners from all over the state. They reviewed the performance of the Utah State legislature in reference to the rural counties in the afternoon.

Commissioner Cooper and Commissioner Walker participated in the Center for the New West which is a congressional think tank. The public hearing was held in Richfield, Utah. Representative Chris Cannon serves on the board for the Center of the New West. A representative from an oil exploration company from Denver, the Forest Supervisor Mary Erickson and State BLM Director Gene Terland made presentations. There were members of both the private sector and the

public sector in attendance also. Sevier County Commissioner Ralph Okerlund, Sanpete County Commissioners Claudia Jarrett and Millard County Commissioner John Cooper testified on the problems the counties are having communicating and relating with Forest Service and the BLM on their revision plans and RMP's. The counties would like their desires considered and included in their plans in the future. The counties do appreciate the work of the Forest Service and BLM. Commissioner Smith was not able to attend the meeting but was in contact by telephone.

On March 14, 2006 Commissioner Walker, Commissioner Smith and Gary Church representing the Millard County Tech Committee, David Taylor and Keith Griffiths representing the Millard School District, Karen Shurtz representing the Millard County Mosquito Abatement District, and Scott Corry representing the Millard County Fire District met with Randy Sant who is the county's private RDA consultant. Mr. Sant gave the county an update on the proposed roads the county is planning to enter into for Brush Resources if they build the extension of their plant in Millard County. Brush Resource's Attorney Steve Young has been working with the State to find out what incentives the state will give them if they build here. The county, school district and the service districts within that area would need to agree that the plant could be built here.

Commissioner Smith listened to a conference call from Western Counties Alliance on April 7, 2006. Commissioners from Nevada, Idaho, Arizona and Utah participated in the call. They talked about the RS 2477 rights-of-way, some legislation that Congressman Cannon may carry that would solidify the things that came out of the Nevada 10th Circuit Court. They talked about the relationship between the 9th and 10th Circuit Court cases where different sides of the legislation were taken. It will probably end up in the Supreme Court. They talked about proposed bill that should be introduced by Congressman Cannon in a few weeks. PILT issues were talked about also.

Commissioner Walker talked to Roger Killpack, Millard County Tourism to discuss the possibility of job descriptions for tourism employees and a handbook for employees that they are putting together.

Commissioner Walker met with Dale Whipple, Millard County Gazette to talk about some brochures and ads that he wants to propose to the tourism board.

Commission Secretary Janice Robins told the Commissioners that Lynnette Madsen would like them to do a mock interview with Christy Peterson, Miss Millard to help prepare her for upcoming competition. The Commissioners agreed to do the interviews at 12:00 noon April 17, 2006. Mrs. Madsen will be notified.

OTHER BUSINESS

Attorney LeRay Jackson brought up the subject of the refinance of Utah Association of Counties. Commissioner Smith said he had talked to Sevier County Commissioner Ralph Okerlund about his feelings. Commissioner Cooper said he will call Brent Gardner to ask for some further information about UAC's re-finance and explain the situation there.

Commissioner Walker reported that Barbara Christensen, widow of L. Darrel Christensen and Joyce Barney would like to have a golf tournament in the memory of L. Darrel Christensen. They asked to have the green fees and cart fees waived for the tournament. The Commissioners and the golf pro Todd Mullen agreed to waive the fees if all the proceeds would go to the Jr. Golf Program and for improvement projects at the Sunset View Golf Course.

Commissioner Smith made a motion to appoint Marlene Bliss to the Hinckley Deseret Cemetery Board.

Commissioner Cooper SECONDED the motion. The voting was unanimous. The motion carried. The appointment will be ratified at next week's meeting.

Commissioner Smith announced that on Tuesday, April 11, 2006 the Millard County Water Conservancy Board will be meeting at noon at the County Office in Delta, Utah. Commissioner Smith will give the board an update on the Nevada West Desert water situation.

Commissioner Smith reported that Steven Bonar from the Bureau of Land Management had called him to discuss the ATV trail they are developing between Delta and Fillmore. At Hole in the Rock the BLM would like to build a staging area. On Public Lands Day they want to build a staging area with a cement pad to put a bathroom at Amasa Basin Trail. They would like to use the prison crew to help with the labor and wondered if they would need to pay the crew? He was told to schedule the crew through the Millard County Sheriff's Office and the details of the cost will be worked out.

Commissioner Cooper talked with Lynn Zubeck about setting up the inmates to help with the rehabilitation of the flood area owned by the Division of Wildlife Resources.

Commissioner Walker reported that Sherry Shepard reported that there are 148 people registered riders for the National ATV Jamboree so far this year which is almost triple the number as last year at this time. Most of the calls have come from the Doug Miller Outdoor Expo. As of April 4, the KOA had three campsites left, the Spinning Wheel had two rooms left during the week of the Jamboree. The Salt Lake Tribune is releasing a news article about the National ATV Jamboree in Fillmore on June 8, 2006.

Commissioner Walker received an agenda from Natural Resources Agricultural Environment Interim Committee. A meeting will be held on April 18, 2006 at 9:00. The southern Nevada Water Development Water Resource Study is on the agenda. Also scheduled on the agenda are the background staff, Executive Director Michael Styler, State Engineer Jerry Olds, Assistant State Engineer Boyd Clayton followed by public input and a discussion.

PUBLIC INPUT

There were none.

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

Commissioner Cooper made a motion to go into a closed executive session.

Commissioner Smith SECONDED the motion. The voting was unanimous. The motion carried.

WHERE UPON THE MEETING ADJOURNED

Commissioner Cooper made a motion to adjourn the meeting.

Commissioner Smith SECONDED. The voting was unanimous. The motion carried. The meeting adjourned at 12:05 p.m..

Attest: _____

Approved: _____