

MINUTES OF BOARD OF COUNTY COMMISSIONERS  
MILLARD COUNTY THE 24<sup>th</sup> 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 month of 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 Thomas Jefferson and then said the invocation. Everyone stood and said the Pledge of Allegiance to the Flag.

FOLLOW UP ACTION ITEMS FROM MINUTES OF APRIL 17, 2006

There were none.

APPROVAL OF THE AMENDED MINUTES OF APRIL 17, 2006

Commissioner Cooper made a motion to approve the amended minutes of April 17, 2006. Commissioner Smith SECONDED. The voting was unanimous. The motion carried.

AUDITORS REPORT

Auditor Brandy Grace was excused.

Chief Deputy Auditor Bonnie Gehre gave the Commissioners various invoices to review and approve for payment through the Auditor's Office. An invoice from the Millard County Jr. Livestock Show for \$8,000, their full budgeted amount for a dedicated project. The Commissioners approved an invoice from West Millard Maintenance for \$2,480.00 for two doors. An invoice for \$16,300.00 for a new mower from the East Millard Maintenance was approved for payment if Gary Hone had received three telephone bids and will give that documentation to the Auditor's Office.

Chief Deputy Auditor Gehre gave the Commissioners the Check Edit Report of April 21, 2006 to review and sign. A correction on the Millard Publishing invoice was made. A contract needs to be signed before the one half of the amount is paid. The remaining half will be paid upon delivery.

Chief Deputy Gehre said that they had received a Certificate of Annexation and gave it to Clerk Norma Brunson for filing.

Commissioner Smith reported that road department supervisor Thayne Henrie had advertised for a driver's position.

#### SEAN KELLY, DWR, PRESENT CHECK FOR PAYMENT IN LIEU OF TAXES

Sean Kelly, Division of Wildlife Resources, gave Millard County a check as a payment in lieu of taxes in the amount of \$9,266.76 for the 14,000 acres owned by DWR. The PILT payment comes from fees paid by the hunters and sportsmen so the county does not lose tax money. Mr. Kelly said that they are trying a lot of different things to try and break the habit of the deer coming into town. The two cities with the biggest deer problems are Fillmore and Oak City. In the past with the permission of the cities, the property owners and the Sheriff Office, they have tried to control the herds by shooting the deer with a 22-caliber gun and donating the meat to needy families. They have been discouraged to use lethal methods and they have had Farrell Quarnberg and dedicated hunters haze the deer out of town. They no longer can use dedicated hunters but will continue to haze the deer. This spring thru the fall, DWR will be spending about \$100,000 to improve an area to encourage the deer to stay in the area and not come into town. Mr. Kelly said that DWR blew some beaver dams near Sherwood Shores to allow the water to flow. He thanked the county for use of county equipment during the installation of a guzzler project they had done. He said Thayne Henrie had been very good to work with. Mr. Kelly announced that Brian Nielson has replaced Brent Olsen who recently retired from DWR.

#### ATTORNEY LERAY JACKSON DISCUSSION ON UTAH COUNTIES INSURANCE POOL MATTERS INCLUDING PREMIUM REBATES AND CHANGES IN COVERAGE

Attorney LeRay Jackson said he participated in the Utah Counties Insurance Pool workshop last week. He received two checks for Millard County. The county is reimbursed \$500.00 for the Auditor and the Attorney attendance at the risk management meetings. The county was docked 11 percent of the five percent of the premium paid because he sheriff's office and the road department

held their safety training but they did not turn in documentation of the training. A form will be provided to these departments that will be faxed to the county attorney's office the day of their training meetings. The county received a check for \$6,223.00 which is 89 percent of the 5 percent of the premium paid.

Attorney Jackson gave the Commissioners a copy of the state law 63-30d-802 Insurance–Liability insurance-government vehicles operated by employees outside scope of employment. 31A-22-304. Motor vehicle liability policy minimum limits. 63-30d-902. Defending government employee–Request–Cooperation–Payment of judgement. The insurance will cover up to \$25,000 in case of an accident. Millard County has a policy that if a sheriff office employee uses a county owned patrol cars they must check in with dispatch and be on call which will trigger more than the \$25,000, the same is true if an employee is driving their own car.

*Also, (a) A county may not provide services or monetary or non monetary assistance to or waive fees required to be paid by a nonprofit entity unless the county receive fair and adequate consideration in return.*

*(b) Consideration paid to a county under Subsection (3) (a) may:*

*(i) be non monetary; and*

*(ii) include anything that in the judgment of the county legislative body contributes to the safety, health, prosperity, moral well-being, peace, order, comfort, or convenience of county inhabitants.*

After discussing the language about the monetary or non monetary assistance written above, Attorney Jackson was given permission to change the language on the Commissioner Waiver Form for Use of County Facilities and to make the necessary language changes in the Millard County Policies and Procedures.

#### POSSIBLE ADOPTION OF RESOLUTION 06-04-24, A RESOLUTION AUTHORIZING UTAH ASSOCIATIONS OF COUNTIES, UAC TO REFINANCE ITS OFFICE BUILDING

Millard County Treasurer John Hansen said that after talking with Jon Bronson at Zions Bank from a financial aspect he is okay, but the information desired from UAC he still has questions. Mr. Bronson said the money collected from the bonds this year is still there and they are going to use it to reduce the cost of the new bond. UAC plans to sell the lot to the south of them for \$260,000. One hundred ninety-thousand dollars from the sale will be given to UCIP for the equity they accumulated in the building. They will be saving money for a double payment to pay at the end. The total debt would be \$900,000 instead of \$1,190,000 that was planned. They told him what the closing costs were going to be.

The things he would still like information from UAC are:

- the amount of money paid to employees
- the cost a UAC sponsored event
- the amount coming in from dues
- UAC's annual revenue
- and the sources of that revenue
- and UAC's annual expenses
- Will they reduce the time frame of the loan rather than reduce the payment amount?

Commissioner Cooper said he could get that information from UAC and give him.

Commissioner Cooper made a motion to adopt Resolution 06-04-24, a Resolution Authorizing Utah Associations of Counties, UAC to Refinance its Office Building.

Commissioner Smith SECONDED. Clerk Norma Brunson called for a roll call vote. Commissioner Smith. YES. Commissioner Cooper. YES. Commissioner Walker. YES. The voting was unanimous. The motion carried. The document will be completed and sent to Jon Bronson at Zions Bank in Salt Lake City, Utah.

#### BID OPENING FOR SURPLUS PROPERTY MILLARD COUNTY AUDITOR'S OFFICE

Attorney LeRay Jackson said that an invitation for bid for real property had been published in the Millard County Chronicle Progress and one bid had come in for the 1.1 acre property with serial number 2977. He opened the bid from Marion R. Anderson for \$400.00.

Commissioner Smith made a motion to accept the bid for \$400.00 from Marion R. Anderson for the property with serial number 2977.

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

#### ROBERT RESENDES CENTRAL UTAH PUBLIC HEALTH UPDATE ON WEST NILE AND OTHER ISSUES

Robert Resendes from the Central Utah Public Health came in to give the Commissioners an update on what is going on with the West Nile Virus in the State. He said that most of the horses in the state have been vaccinated. People need to continue to keep standing water out of their yards and use mosquito repellent. He said Utah has been lucky so far but that luck could change. He asked what the county was doing to help prevent this disease in the county? Commissioner Smith said that testing is being down by the Mosquito Abatement people and they have applied for money to help prevent West Nile disease.

Mr. Resendes reported that it is important for people to be prepared with bags, masks, and respirators in cases the Avian Flu comes to the USA. The state has given the health department stronger quarantine laws that would require law enforcement if necessary. Isolation is one of the best procedures available to prevent the spread of the disease. The Utah State Health Department is working to educate the public in the schools, churches and etc. People need to think of different ways of doing business and daily necessities if th flu arrives. The Board of Health is looking into setting a mill levy to get funds. Counties could make their health departments a special district with power to levy taxes. The Commissioners are invited a conference on the Pandemic Flu on June 13, 2006. Precautions are being taken now because if the Avian Flu comes it will come fast.

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

Commissioner Cooper attended the Public Lands meeting in Salt Lake City, Utah. Ed Phillips, Deputy Director of Public Safety gave a presentation about Federal Officers usurping

authority from the local law enforcement. A task force has been formed by the Governor to talk with the federal people about this matter.

Commissioner Cooper and Commissioner Smith attended the Utah Counties Association Conference for three days in Provo, Utah. Commissioner Walker was excused.

Some highlights of the conference were:

- The General Session - NACCO President attended.
- The UAC Board meeting and the Economic Development meeting. Commissioner Cooper attended.
- Meeting on the registering of the RS2477 roads.
- Western County Alliance Board meeting on Wednesday. Utah issues were discussed as well as PILT issues and RS2477 Road issues. Commissioner Smith attended.
- The jail reimbursement meeting with the Department of Corrections. The legislative audit revealed that the counties actually under bill rather than over bill for the jail reimbursements. There is a jail reimbursement summit next month to look at who has what responsibility for prisoners. The jail population is growing along with the state's population. The problem seems to be that the legislature does not properly fund the jail problems. Commissioner Smith attended.
- Commissioner Walker was appointed to the new meth task by Governor Huntsman. Two speakers talked about addiction to meth. Meth addiction has become an epidemic in Utah. The State of Utah and UAC are making a cooperative effort to fight meth in the State.
- Mental Health is facing a crisis in the State of Utah. The state legislature is not funding the loss in Medicaid dollars dealing with mental health and is creating these problems. Commissioner Cooper attended.

Commissioner Walker received a couple of calls about the Redevelopment Agency for Brush Resources. They said they had heard that the county had given Brush Resources a tax break for 8 to 10 years. Commissioner Walker said the ideas have been discussed but no official decision had been taken by Millard County, the Millard County School District, the Utah State School Board, the Mosquito Abatement or the Fire District.

## OTHER BUSINESS

James Beckstrand, IHC Administrator said there are some issues that have come up after the Life Safety Survey was done on the Millard County Long Term Care Center. There are four main issues. The first two are minor. The third issue is that the glass plate on the fireplace is not up to

code. It will need to be replaced. The fourth issue has to do with a sprinkler system needed under the outside canopies which could be rather expensive if anti freeze is needed in the system.

Jim Beckstrand, IHC Administrator, said that they are giving them 60 days to take care of the problems.

The Commissioners said that Mountain Health Design should be notified on the glass issue and the sprinkler issue.

The Commissioners told Mr. Beckstrand that Millard County had not made their payment to the Millard County Care Center as the ground lease contract had not been signed. Mr. Beckstrand said that the ground lease contract had now been signed and as soon as it is returned to him he will hand deliver it to the Clerk's Office. The Commissioners said the county will make the payment.

Peter C. Vander Meide came before the Commissioners with a complaint that a private owner is locking roads going onto the public lands that also blocks access to land owners on the east bench near Fillmore. He has been doing some research of the laws and has looked at maps of the area. He has determined that Resort Properties will probably have to go to court and file a civil suit to get clear title on roads that are now being land locked.

He showed the Commissioners a 1956 map of the area that shows the public roads going to the canyon. These roads have been used for more than fifty years. Resort Properties have lost sales because potential buyers were locked out of the property they were interested in buying. The public is being cut off a prescriptive road.

Attorney Jackson said if it isn't a county road then it would be hard for a county to get involved in a law suit.

He said that Warren Burdock, owner of Resort Properties is willing to file a court case in regards to this issue in order to get quiet title to the road for both the land owners and the public. The county Commissioners support prescriptive easements and access to public lands.

Millard County Clerk Norma Brunson said that after much deliberation she has decided to request that all districts of 500 voters or less vote absentee ballot for the Primary Election and the General Election this year (not just the unincorporated areas as were discussed last week). The registration agents will be retained and satellite registrations will be held in all precincts. Notices will be put in the newspaper to help educate the public on this matter. Fillmore 1 & 2, Delta 17 & 18, Hinckley and Sutherland will vote at their polling places. The Commissioners agreed to this proposal for this year's elections.

## PUBLIC INPUT

Steven Bonar and Joelle McCarthy from the Bureau of Land Management came before the Commissioners with an update on a proposal that are working on in conjunction with the Millard County Tourism to provide a project to help promote tourism in Millard County. Two projects were discussed with Tourism.

- Set up an interpretive trail that Joelle McCarthy would be in charge of.
- Develop a trail head out at the Amasa Basin Trail with some partnership agreements with Utah State Parks for this project.

The BLM gave a presentation of the building and costs of the two proposals to the Millard

County Tourism Board. They asked how the Tourism Board works? Commissioner Walker said that Tourism is an advisory board. The BLM was wondering if an agreement was needed to use the road department and the prison crews fees? The cost of the project would go down considerably if their fees could be waived. The Commissioners said an agreement could be made for a government entity. Joelle said that there is about 110 miles of county road in the area of her project and they are in good shape, only minor repairs will be needed. The county will need to know the amount of work and time to do any repairs to the roads.

Mr. Bonar said in regards to the Amasa Basin project, Utah State Parks has committed to buy a TXT toilet which includes the installation. The county will be asked to expand the parking area and provide a gravel surface. With the funding Tourism will provide a shade structure, a couple of tables and a fire ring. Tourism funds will be used for signs to be put up along the roads to guide visitors to the areas. Maintenance of the toilets will be about \$800.00 a year. According to Mr. Bonar, the total cost of the project is estimated at \$26,000

\_\_\_\_\_ -15,000 less cost of toilet donated by state parks  
\$11,000 less fees for road department and jail

work crew. This would make a good savings and a good investment for the county?

The public does not want these areas to become fee areas. If these sites are effective then other sites may be developed in the future. The BLM would like to hire a seasonal OHV coordinator and bring in volunteers to help keep the trails signed and in good condition. The BLM is invited to the next tourism meeting to be held on May 22, 2006.

Commissioner Cooper would like the BLM to visit with the Six County AOG to show other counties what cooperation with the BLM in their areas could do.

The BLM's Public Lands Day will be held in September.

The Raw Gravel Purchase Agreement from ADF Holdings LC was not signed as it is a premature arrangement that the county will not enter into at this time.

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 to discuss on the character and competence of an individual.

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 motion. The voting was unanimous. The motion carried. The meeting adjourned at 12:50 p.m..

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