

MINUTES OF BOARD OF COUNTY COMMISSIONERS  
MILLARD COUNTY THE 1st of MAY 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

ALSO PRESENT: Terri Cummings, David Johnson, Shauna Johnson, Jan Frampton and Mareen Casper

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 Abraham Lincoln. Commissioner Cooper said the invocation. Everyone stood and said the Pledge of Allegiance to the Flag.

FOLLOW UP ACTION ITEMS FROM MINUTES OF APRIL 24, 2006

There were none.

APPROVAL OF THE AMENDED MINUTES OF APRIL 24, 2006

Commissioner Smith made a motion to approve the amended minutes of April 24, 2006. Commissioner Cooper SECONDED the motion. The voting was unanimous. The motion carried.

## AUDITORS REPORT

Chief Deputy Auditor Bonnie Gehre gave the Commissioners various invoices to review and approve for payment through the Auditor's Office.

Commissioner Cooper made a motion to pay the bills totaling \$183,566.38 for the operation of the Millard County Long Term Care Center and for the swing beds in Fillmore for December 2005, January and February 2006.

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

The Commissioners approved two bills from Central Utah Public Health Department to be paid.

Chief Deputy Auditor Gehre gave the Commissioners the Check Edit Report of April 28, 2006 to review and sign.

## MILLARD COUNTY ASSESSOR JIM TALBOT - BOARD OF EQUALIZATION

This item was canceled.

## MAREEN CASPER-WASHINGTON UPDATE FROM SENATOR ORRIN HATCH'S OFFICE

Mareen Casper said that the Senate is back in session and working on immigration. Senator Hatch's Office is hearing from both sides of the issue. His position is that this nation is a nation of immigrants but we are a nation of laws. He does not believe in amnesty just for the sake of amnesty sake and opposes the McCain and Kennedy bill. There are guest workers in this nation who are not interested in becoming citizens. He believes the nation's borders should be strengthened. Suggestions have been made to build double fencing with surveillance along our borders and increase the number of border guards and increase their funding. Utah now has an immigration court in Salt Lake City, Utah. But until the problems with the borders are taken care of, there is a three day turn around. The real legislation and solution will come from the conference committee between the House and the Senate.

Commissioner Walker asked that any mandates sent down will be funded by federal government.

Commissioner Cooper said that the illegal alien population affects our county with services, education and the jails. It is not right for others to enter illegally and then be granted amnesty, when people who are trying to get their citizenship are cumbered down with a lot of paperwork, fees and processing time.

Mrs. Casper said that INS is a huge bureaucracy and things get lost and slowed down.

Senator Hatch supports the community block grants because they work for the local areas. He has a group going around listening to people on the Medicare issues.

In April, the APPLE Initiative, the Action Plan for Public Land in Education was introduced

in the Senate by Senator Hatch and in the House by Congressman Bishop. APPLE authorizes the Secretary of the Interior and the Secretary of Agriculture to grant 5 percent of the federal lands to western states. The land could be leased or sold and the proceeds are to go to public education.

Bill Castle from Hatch's Washington Office over military affairs and J.J. over land affairs were in Nevada last week when the Nuclear Regulation was showing how safe the nuclear testing was going to be. There is a lot of concern about this testing and it is hoped that they will be able to stop the tests.

Commissioner Cooper invited Senator Hatch's people to attend the final meeting before legislation in June on the Millard County Comprehensive Land Use Plan. The Commissioners will send notification of the date and time.

Senator Hatch's people met with the Fishlake National Forest Service about their proposed management plan. She said Five Counties are very much against the back country designation so is Millard County. The counties and others would like their questions answered about why the Forest Service wants the back country designations and what additional tools this will give them. Other areas of concern for Millard County are the Corn Creek Designation and Beehive Peak.

Senator Hatch has said that he will take his direction from the county commissioners and elected officials and will never take direction from the federal agencies.

The Commissioners asked Mareen to ask Senator Hatch for some help on issues affecting the operating costs of the long term care center and with the state legislature not funding the mental health programs and wanting the counties to fund them.

#### KEITH BURRIS, KANOSH CITY COUNCILMAN

This item was canceled.

#### TERRI CUMMINGS - UPDATE ON EAST MILLARD SWIMMING POOL

Terri Cummings, East Millard Swimming Pool Manager reported that for the past five years she has been teaching CPR classes to the Kern River employees. The mannequins used for the training were getting shabby and she desired to purchase new ones. She had written Kern River a letter stating the cost of new mannequins would be \$422.00 and asked them to donate \$350.00 toward their purchase. Kern River sent a check for the entire amount (\$422.00) which will be turned into the Auditor's Office for the swimming pool's use. The East Millard Swimming Pool Booster Club donated more than \$2,100 towards the \$4,200 for a timing system. The club had a banner made with the names of businesses who donated the money. Commissioner Cooper will contact maintenance to hang the banner. She said some new signs have been purchased to be put up at the pool.

According to Mr. Cummings, the pool's birthday party was very successful. The kids had a lot of fun with games and good food. At the St. George Conference they were told that pools that have other activities going are making money. The pool is interested in purchasing some splash pads. They would like to know if it would be possible to do some fund raisers on the 4<sup>th</sup> of July to earn money be saved up to purchase equipment. The Commissioners gave Terri the approval to do fund raisers and to work out the details with the Auditors to get the money into their budget.

POSSIBLE EXECUTION OF MEMORANDUM OF UNDERSTANDING BETWEEN MILLARD COUNTY AND UTAH DIVISION OF WILDLIFE RESOURCES ON PAHVANT UPLAND GAME AREA DAMAGES

County Attorney LeRay Jackson had prepared a Memorandum of Understanding between Millard County and the Utah State Division of Wildlife Resources in efforts to mitigate possible damage from anticipated flood run off damaged the habitat conservation project of DWR known as the Pahvant Upland Game Area in Millard County to pay \$5,797.72 plus a little labor from the road department and conservation corp.

Commissioner Cooper made a motion to execute and sign the Memorandum of Understanding Between Millard County and Utah Division of Wildlife Resources on Pahvant Upland Game Area Damages.

Commissioner Smith SECONDED the motion. The voting was unanimous. The motion carried. Three copies of the document were signed. The Clerk was given a copy to file and two copies will be sent the DWR for signing. DWR should mail one signed copy back to the county.

POSSIBLE APPROVAL OF AMENDED BYLAWS OF THE SUNSET VIEW GOLF COMMITTEE

Commissioner Walker presented a copy of the changes to the Sunset View Golf Course Committee Bylaws. The wording was changed to read *to the High School golf programs*, replacing the Delta High School golf program.

Commissioner Smith made a motion to amend the Bylaws of the Sunset View Golf Committee.

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

POSSIBLE APPROVAL OF A BUSINESS LICENSE FOR GM&S L.L.C., OWNER DOUGLAS A. SMITH

Commissioner Cooper made a motion to approve a business license for GM&S L.L.C. owner Douglas A. Smith.

Commissioner Walker stepped from the Chair and SECONDED the motion. The voting was unanimous. The motion carried. Commissioner Smith recused himself.

POSSIBLE APPROVAL OF A BUSINESS LICENSE FOR PDJ L.L.C., OWNER DORIS AND PHIL JENSEN

Commissioner Smith made a motion to approve the business license for PDJ L.L.C., Owners Doris and Phil Jensen.

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

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

All the Commissioners, Adam Britt, Richard Beckstrand, Leon Smith and Forrest Roper attended the GIS meeting. The process for recording the RS2477 roads was set up and a date and time were set to meet with citizens to sign affidavits stating they have personal knowledge of these roads before 1976.

All the Commissioners, along with a group of employees attended the Vehicle Use, Internet Use, Sexual Harassment and Safety Training on Monday, April 24, 2006.

Commissioner Smith reported that the county road department met this morning for their safety meeting. They were given the new form made by Millard County Attorney LeRay Jackson to document their training. They also discussed some road safety issues on the Jones Road that will be discussed at the safety meeting later today.

Thayne Henrie and Steve Jensen attended the road school in St. George, Utah.

Commissioner Cooper reported the Commissioners met with Randy Johnson Millard County's facilitator on the Comprehensive Land Use Plan.

Commissioner Cooper received a call from a taxpayer whose property taxes are five years' delinquent and going to the tax sale. He was told to contract Treasurer Hansen to fill out the paperwork for some consideration.

Both Commissioner Cooper and Commissioner Walker had been contacted by Ferrell Hatch who had a complaint with the Millard County Jail.

Commissioner Walker attended the Delta Area Chamber of Commerce Summit on Friday, April 28. She acted as Miss Millard's chaperone for the evening. Miss Millard did a good job representing herself at the meeting. She is preparing to compete for Miss Utah. Russell Greathouse was awarded as Millard County's Area Giant and Employer of the Year. ALCO was recognized as the Business of the Year.

Commissioner Smith participated in the Red Cross Blood Drive on Friday, April 28, 2006. He thanked all the people for their valuable donation.

The Fillmore IHC Health Fair will be held on Wednesday, May 3, 2006.

## OTHER BUSINESS

Attorney LeRay Jackson had prepared a Quit Claim Deed to transfer some property owned by Millard County to Marion R. Anderson.

Commissioner Cooper made a motion to sign the quit claim deed to Marion R. Anderson for a purchase cost of \$400.00 for the purchase of some property adjacent to his property.

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

Attorney Jackson's Office had made some changes to the Facilities Use Charge Policy. The changes were discussed and additional changes were suggested and were agreed to. Attorney Jackson will make the additional changes to the document.

Commissioner Smith made a motion to adopt the amended Facilities Use Charge Policy.

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

Commissioner Smith made a motion to approve the payment of \$995.00 to Olpin Mortuary for an indigent burial for Janis Lynn Thiessen of Kanosh.

Commissioner Cooper SECONDED the motion. The voting was unanimous. The motion carried. A copy of the death certificate will be given the Auditor's Office.

#### PUBLIC INPUT

Jan Frampton, David and Shauna Johnson came to Commission meeting to discuss a situation they experienced leaving the courthouse after night meetings. The elevator's outside lobby door is locked after business hours and they couldn't exit the building and had to take the elevator up a floor and then negotiate the stairs back down to exit. One person was in a large wheel chair and the other person has trouble negotiating stairs. They asked that the Commissioners to find a solution to this problem. An emergency exit button should be installed for exiting the building after hours and a second exit with a ramp was suggested.

The Commissioners said that a different situation will have to be set up for night meetings held in county buildings. The incident is not the custodian's responsibility as she is not a facility manager.

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

There were none.

#### 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 12:20 p.m.

#### NOON

#### A SAFETY MEETING WAS HELD AT 1:30 P.M.

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

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