

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 3rd DAY JULY OF 2006
AT THE COURTHOUSE, FILLMORE, UTAH

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

Leroy 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 July & August 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 for any opening statements. Commissioner Cooper read a quote by Indian Chief White Eagle and a quote from Adlai Stevenson and then offered a prayer. Everyone stood and said the Pledge of Allegiance to the Flag.

FOLLOW UP ACTION ITEMS FROM MINUTES OF JUNE 26, 2006

There were none.

APPROVAL OF THE AMENDED MINUTES OF JUNE 26, 2006

Commissioner Smith made a motion to approve the amended minutes of June 26, 2006 upon the approval of the Auditor.

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

AUDITORS REPORT

Auditor Brandy Grace asked Commissioner Walker to stop by the Auditors Office to sign some Millard County Fair invoices.

Auditor Grace gave the Commissioners the Check Edit Report of June 30, 2006 and the Over Time Report of June 23, 2006-payroll to review and sign.

Auditor Grace reported she submitted the notice of bids on the sale of the county's surplus real property. The notice will be published for two weeks and the bid opening will be held on July 17 at 11:00 a.m..

Attorney Jackson said that the county has a parcel of land that needs to be advertised also.

RATIFY APPROVAL OF THE INTERLOCAL AGREEMENT BETWEEN FIRE SUPPRESSION ENTITIES

Commissioner Cooper made a motion to ratify the approval of the Interlocal Agreement between Fire Suppression Entities.

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

RATIFY APPROVAL OF THE 2006 TAX RATES

Commissioner Smith made a motion to ratify the approval of the 2006 Tax Rates. Commissioner Cooper **SECONDED** the motion. The voting was unanimous and the motion carried.

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

All the Commissioners, representatives from the school board, county attorney's office, and Leon Smith, planning and zoning attended a meeting with Reed Searle from IPP on June 27, 2006.

Mr. Searle reported that construction plans on Unit 3 are on schedule for the spring of 2008 and completion in 2012. Millard County will be writing a conditional use permit.

Commissioner Cooper and Commissioner Smith attended the USDA Forest Service Summit. The Commissioners expressed their concern that the left fork of Corn Creek is still showing on the Forest Service maps as a potential designated site as a wild and scenic river. It was the Commissioners understanding that the Corn Creek site would be dropped after suitability, but it is still being considered. Other designated areas are attached either to another designated area, such as a back county or a national park. Because time is running out, Commissioner Cooper suggested that the Commissioners review the management plan and put a public statement in the newspaper expressing their opposition to the Corn Creek designation. The Commissioners will contact John Harja and write an official letter to Governor Huntsman that they want to participate in the Governors petition process against this designation.

The Commissioners complimented the Millard County Clerk Norma Brunson and her staff for the great way they had handled the voting in the Primary Election. The public had a pleasant experience voting on the new machines and the election workers were very well trained.

Commissioner Smith talked with David Sturlin from Eskdale who would like to have some improvements made on one of the county roads in their area. He was told to put his request in a letter to start the process with the Millard County Road Department.

Commissioner Smith reported he had spoken to some people who are interested in purchasing property in the Abraham/Sugarville area owned by the county and the Commissioners have asked the Auditor to advertise for bids on the property.

Commissioner Smith received a telephone call from Graymont Manager Scott Mork who said the company is concerned about the number of ATV riders that are riding into the mine site. Graymont is putting up danger signs and asked for help from Millard County and the Bureau of Land Management to put some cautionary notices about the mine site on the maps that they produce. Mr. Mork said the company would like help with some power issues in the near future.

On June 28, 2006, Commissioner Walker had a lengthy conversation with Attorney Warren Peterson about the water situation in Snake Valley. From the conversation they determined that the Commissioners need to clearly define what the county's goals and objectives are regarding the issues in Snake Valley.

- Does the county want to fight all the way?
- Does the county want to monitor the process only?
- Does the county not want to be involved at all?

Estimated legal fees will run about \$200.00 an hour in Utah and about \$300.00 an hour in Nevada. It would be about an 1,800 hour job in Utah and between 300-500 hours in the Nevada courts to fight the process. Determining costs would be very difficult at this point. Millard County needs to find out if they have standing in the case as they are not a water user in the Snake Valley.

Attorney Jackson was asked to find out what Millard County's standing is and to report his findings to the Commissioners. The State of Utah does have standing in the case.

A Nevada attorney would need to be retained for the Nevada proceedings and technical experts would be needed to testify in court. Millard County will need to keep informed with what is going on in Washington, D.C. with the BLM, Forest Service and Fish and Game. Robert Weidner could be assigned specific jobs and be the county's contact, if desired by the Commissioners.

Other things to be considered are the Utah Legislative process and the USGS- BARCASS (Basin and Range Carbonite Aquifer System Study) process. Litigation will probably take place on the EIS, environmental impact statement. After visiting with Attorney Petersen, Commissioner Walker thought that a committee could be put together and have Attorney Peterson speak to them about the water situation. The committee could then make recommendations on the direction the county could proceed on the water issue. She suggested several names to serve on the committee namely; Ken Fowles, Clayton Jeffery and maybe the whole water conservancy board, Gerald

Anderson, Dean Baker, and Clay Cummings.

The Commissioners stated that they have already received the recommendations from a group of citizens interested in the water issue in Snake Valley. Millard County is pretty well focused on monitoring the situation and will get legal help as involvement is justified in the process.

Commissioner Walker said again the county needs to determine what direction the county wants to go.

Commissioner Smith said Millard County is opposed to the whole project but is willing to work on an agreement. The county will be involved in the EIS, environmental impact statement process and will monitor that process. Millard County is working with citizens who have also filed an appeal in this case. Millard County has agreed to seek an agreement, but they haven't agreed to an agreement. Millard County's position is different from the State of Utah's position.

The Commissioners decided it would be a good idea to hold an informational meeting with interested citizens and give them an update on the water situation.

Rex Stanworth contacted Commissioner Walker to find out what determination the Commissioners have made in regards to the allocation of the \$25,000 Millard County budgeted for the CERT Program for 2006. The Commissioners invited Millard County CERT Commander Steve Kimball and Co-commander Paul Fowles to come to Commission meeting and discuss their opinions on how the funds should be allocated.

Commissioner Walker announced that she had been contacted by UAC, Utah Association of Counties to become a candidate for the secretary of the executive committee. She reported she had accepted the offer and she will be informed at the fall conference in November what she will need to do.

Commission Secretary Janice Robins publically thanked Sheryl Dekker for the great job she did taking the minutes of the last five meetings while the Millard County Clerk's Office staff prepared for the Primary Election on June 27, 2006.

OTHER BUSINESS

There were none.

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 Smith made a motion to adjourn the meeting. Commissioner Cooper SECONDED the motion. The voting was unanimous and the motion carried. The meeting adjourned at 10:55 a.m..

Attest: _____

Approved: _____