

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 25th DAY OF SEPTEMBER 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: Assessor James Talbot, Brandon Bartholomew, Susan Duncan and Auditor Brandy Grace

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 September and October 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 Walker read a quote from Ronald Reagan. Commissioner Smith made a statement that on Wednesday, September 20, 2006 Thorpe Waddingham passed away and the Utah State Legislature acknowledged his passing. He was a real asset to Millard County. Commissioner Cooper expressed his condolences for Mr. Waddingham's passing. Commissioner Cooper said the invocation. Everyone stood and said the Pledge of Allegiance to the Flag.

FOLLOW UP ACTION ITEMS FROM MINUTES OF SEPTEMBER 18, 2006

Millard County Attorney LeRay Jackson reported that he had talked with James Slavens about the public defender contract and he will accept the offer of \$91,000 for two years. Attorney Jackson will get the contract ready for the signatures.

APPROVAL OF THE AMENDED MINUTES OF SEPTEMBER 18, 2006

Commissioner Smith made a motion to approve the amended minutes of September 18, 2006.

Commissioner Cooper SECONDED the motion. The voting was unanimous and 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 September 22, 2006 to review and sign. A copy of the Over Time and Vacation Report for September 15, 2006 was given each Commissioner to review.

After a brief discussion, the Commissioners agreed to have the county offices closed the day after Thanksgiving and the day after Christmas. Employees may choose to take a vacation day or work that day. The Clerk's Office will put a public notice in the newspaper about the closures. A decision will be made later if the offices will be closed the day after New Years.

Auditor Grace asked Assessor Talbot to report what the assessed value was on the property that Jesse Brown bid on. Assessor Talbot said that the land around the 520 acres is assessed at fifty dollars an acre. Assessor Talbot said the property is mostly covered with greasewood and he recommended that the county sell the property. Commissioners discussed their options.

Commissioner Cooper made a motion to sell the 520 acres to Jesse Brown for \$40,000 which is \$76.92 an acre.

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

REVIEW AND POSSIBLE APPROVAL OF A BUSINESS LICENSE FOR ARMANDO CASTELLANOS, CHINO'S TIRE

Commissioner Walker talked to Leon Smith Millard County Planning and Zoning who reported that the zoning is all right for an in home office. The law doesn't allow tires to be disposed of in the landfill.

Commissioner Smith made a motion to approve the business license for Armando Castellanos, Chino's Tire with the exemption that the tires cannot be disposed of in the landfill. If that situation develops then the business license will be made void.

Commissioner Cooper SECONDED the motion. The voting was unanimous and the motion carried. A copy of the amended minutes of September 25, 2006 will be attached to the business license and when it is mailed to Mr. Castellanos.

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

All the Commissioners attended the budget meeting with elected officials and department heads to discuss budgets for 2007.

On Tuesday, September 19, 2006, all the Commissioners attended the preview of the "Desert Wars" at the fair building. The public viewing will be held on Monday, September 25 at 8:00 p.m. on KUED Channel 7. Mary Dixon was the KUED creative director on the project. The TV crew was impressed with Millard County's friendliness and commitment of the water issue. Commissioner Walker was complimented on the way she conducted the preview.

All the Commissioners attended the USACC, Utah State Associations of Commissioners and Councils in Midway, Utah. Commissioner Walker and Larry Ellertson did a presentation on the pandemic flu update. They attended meetings on the Meth Task Force, Health and Human Services funding, transportation issues and public land issues. On Wednesday, September 20, 2006, Commissioner Smith and Commissioner Cooper attended the public land's portion of the conference. They talked about hiring a new person to represent the counties on public land issues for the State. The Commissioners attended the Utah Legislative Natural Resource Interim Committee where they adopted a joint resolution asking the State of Utah not to enter into an agreement with the State of Nevada until all the science is available. Also, they would like some local input into the agreement. The joint resolution was passed by the full committee. The resolution will be sent to the Governors of Utah and Nevada and both natural resources' directors. Representative Wheeler did a great job fielding questions about the resolution and Millard County appreciates his willingness to stand with them on this issues. The Utah Farm Bureau also presented a statement that they are supportive of Millard County's position against the proposed pipeline. The department of Natural Resources director Michael Styler and Lt. Governor Gary Herbert gave an update on the water situation on the west desert. They reported there really isn't anything going on because the Utah water engineer and Nevada water engineers are in the process of identifying existing water rights at the Spring Valley water hearings and the Nevada water engineers have not been gathering data. Mr. Styler and Lt. Governor Herbert agree with the Governor that there will not be any mining of water. Any water available after all the existing water rights are identified could possibly be divided between Utah and Nevada. The percentage was not disclosed but Utah would like a 60-40 split. The agreement with Nevada is the best way Utah has of protecting Utah water.

Commissioner Smith reported that one of the issues at the conference was the discussion on the local option sales tax for transportation infrastructure that was passed in a special session that would give the counties the option to impose a quarter cent sales tax that would put money into a fund that could be used for state road projects. Millard County opted not to participate because it would not be a help to the county.

Commissioner Cooper had talked with Fillmore City Mayor Christensen over the compactor at the Fillmore landfill. He said the city may consider taking over the compactor if the county would

consider bringing the compactor up to good, operating level. A copy of the agreement made between Fillmore City and Millard County and a letter on the landfill had been located. (See Exhibit A). Phil Lovell at the landfill will be asked to price the cost of the repairs on the compactor so an evaluation can be made by the city and the county.

Commissioner Smith attended the Western County Alliance board meeting on Wednesday, and discussed PILT, payment in lieu of tax and some other issues.

Commissioner Smith received a letter from the Desert Cattle Association who is in the process of fencing the road from Deseret to Milford that goes across the 257 cut off road. They have an agreement with the Bureau of Land Management and State Trust Lands to help cover the cost of that project. They have been told they need to install two cattle guards along that road and requested help from the county with installing them. The Commissioners discussed the request and agreed to furnish the labor and equipment for the cattle guards but the association would have to pay for the cattle guards. The decision is in keeping with county policy regarding cattle guards. Thayne Henrie road department supervisor has prepared a cost list of the installation. The county will see if the BLM would be willing to help with the cattle guards.

Commissioner Smith received a letter from the Department of Agriculture, Weed Specialists who were passing on a complaint from a gentlemen who had purchased hay in Millard County and it contained noxious weeds. Commissioner Smith will send the complaint to the county weed board to take the necessary action.

The Millard County Water Conservancy District meeting will be held Tuesday, September 26, at 6:00 p.m. at the ball park recreation area where an update on the West Desert water situation will be given.

Commissioner Walker attended the Hinckley Town community party on Friday, September 22, 2006.

OTHER BUSINESS

Commissioner Walker received a letter from Sherry Callister, Secretary of the Days of the Old West Rodeo. The rodeo requested that the stand by ambulance fee @ \$128.00 per night for the three nights of the rodeo be waived.

Commissioner Cooper made a motion to waive the stand by ambulance bills for the Days of Old West Rodeo as it has been the county's policy to waive those fees.

Commissioner Smith SECONDED the motion and stated the ambulance is an enterprise fund and is currently supporting themselves. If they ever get to the point that they are not financially able to do this it, the county policy would have to be looked at. The voting was unanimous and the motion carried.

Commissioner Smith received a copy of a renewal contract for the county predator control program for the Fiscal Year 2007. The state will match up to \$5,000 for predator control. Millard

County puts up \$1,000 for the control of red foxes taken within the borders of Millard County. The document was signed by Commissioner Walker. The contract will be sent to the State Department of Agriculture and Food by the clerk and a copy will be put on file in the Clerk's Office.

Central Utah Counseling Center sent the county a letter on their proposal of costs to provide counseling services during the proposed construction of Unit 3 at IPP. These costs will be taken into consideration on the Condition Use Permit reported Commissioner Smith.

Commissioner Walker asked the status of the CUP. Attorney Jackson reported that he is meeting with John Holliday on Tuesday who will give him the most recent revision copy of the CUP draft. It should go before Millard County Planning and Zoning board at their next meeting. Reed Searle, IPP would like a copy of the draft CUP to review and if there are any changes IPP representatives would like to meet with the Commissioners. The Commissioners requested a copy of the draft as soon as possible to make sure they have covered all areas of concern.

Commissioner Cooper talked to Aaron Kesler over a proposal for the county to build an access road over the old Kimball property. The county, the new property owner, and Resort Properties will meet on Wednesday, September 27 and discuss the possibility of Resort Properties building the road.

Commissioner Cooper made a motion to go into a Board of Equalization

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

Millard County Assessor Jim Talbot had four properties to be considered for an adjustment on the property taxes. The Commissioners agreed to all the suggested changes. A full list of all adjustments will be attached to the minutes in the next few weeks.

Commissioner Smith made a motion to go out of the Board of Equalization.

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

Commissioner Walker received a letter from Sherri Callister who would like to buy six cemetery plots owned by Millard County that are next to her family's plots. She is willing to pay the going price of \$300 a burial lot for a total of \$1,800. A map that showed the location of the cemetery lots was attached to the letter. The Commissioners discussed the request and decided that if Mrs. Callister would purchase six other cemetery lots from the cemetery, Millard County would be willing to make a trade.

Commissioner Cooper made a motion to trade six cemetery plots owned by Millard County to Sherri Callister for six other cemetery plots in another location in the cemetery.

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

Commissioner Walker presented a Request of Commission Waiver from Delta City to hold

a Preparedness Expo at the Millard County Fairgrounds.

Commissioner Smith made a motion to approve the waiving of all fees on the county fairgrounds facility for Delta City to hold a Preparedness Expo.

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

Commissioner Walker said she may have a relative interviewing for position with Millard County and would have to recuse herself from any action were that to happen.

Commissioner Walker received a phone call from Joyce Barney who would like to see a community group formed to help make decisions on the Millard County Care Center management. It is in the best interest of the public to create a board to review all care center data and make recommendations of how to address issues at the care center. A selection process for the committee will be determined.

On September 26, a public hearing will be held to take public comment on a proposed subdivision east of Fillmore City. The name of the subdivision is LaVae Smith 500 North Subdivision.

PUBLIC HEARING-AMENDMENT TO THE GENERAL PLAN-RESOLUTION TO ADOPT THE TRANSPORTATION PLAN AS AN AMENDMENT TO THE GENERAL PLAN AND AS A MILLARD COUNTY ORDINANCE

Commissioner Cooper made a motion to go into a public hearing to consider amending the General Plan.

Commissioner Smith SECONDED the motion. The voting was unanimous and the motion carried. The public hearing began at 11:00 a.m. and there was no one present from the public.

Commissioner Smith briefly explained that they will be creating an Ordinance No. 06-09-25 that recognizes the transportation map as an official document. After the ordinance is adopted new transportation language will be adopted into the general plan under the transportation segment.

The Ordinance states that the county transportation maps can be updated in January every year. Any corrections or additions to the transportation map would be adopted and the ordinance amended. The transportation language was presented and approved by the Millard County Planning and Zoning Board and reviewed and approved by Leon Smith, county planner.

Commissioner Smith made a motion to close the public hearing.

Commissioner Cooper SECONDED the motion. The voting was unanimous and the meeting ended at 11:04 a.m..

Commissioner Smith made a motion to adopt the Resolution to amend the transportation portion of the county's general plan with new language.

Commissioner Cooper SECONDED the motion. County Clerk Norma Brunson called for a roll call vote. Commissioner Smith. YES. Commissioner Cooper. YES. Commissioner Walker.

YES. The voting was unanimous and the motion carried. Four copies of the resolution were signed. Three copies will be one file in the Millard County Clerk's Office.

Commissioner Smith made a motion to adopt Ordinance No. 06-09-25, an Ordinance codifying the county transportation map.

Commissioner Cooper SECONDED the motion. Clerk Norma Brunson called for a roll call vote. Commissioner Smith. YES. Commissioner Cooper. YES. Commissioner Walker. YES. The voting was unanimous and the motion passed. Four copies of the ordinance were signed. Three copies will be on file at the Millard County Clerk's Office.

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 12:15p.m. .

Attest: _____

Approved: _____

AGREEMENT ²⁴ KB

THIS AGREEMENT is entered into this 17th day of June, 1986, by and between Millard County, a political subdivision of the State of Utah, herein referred to as "County", and Fillmore City, a municipal corporation of the State of Utah, herein referred to as "City".

WHEREAS, County is in the process of designing and constructing a sanitary landfill for the purpose of disposal of solid waste within the boundaries of the County; and

WHEREAS, City desires to dispose of solid waste generated within the boundaries of City at the County sanitary landfill; and

WHEREAS, the parties desire to enter into this Agreement pursuant to authority granted to them by the Utah Interlocal Cooperation Act, UCA Section 11-13-1, et seq, outlining the duties and obligations of the parties hereto.

1. SERVICES PROVIDED BY COUNTY. County agrees to design, construct, equip, and maintain a central sanitary landfill for use by residents within Millard County, and to provide and maintain all equipment and manpower necessary to haul solid waste from City's collection station to the sanitary landfill. County agrees to construct for City a collection station to be used by City to collect the solid waste from the residents within the boundaries of City. County shall also pick up scattered garbage at the collection station. County shall have no responsibility in assisting in any manner the residents of City in transporting solid waste to the collection station.

2. MAINTENANCE AND OWNERSHIP OF COLLECTION STATION. Once the collection station is constructed by County, ownership of the collection station shall pass to the City without cost to the City. City shall thereafter promptly in a reasonable manner repair all structure damage occurring to the collection station.

3. ADOPTION OF ORDINANCE. City shall adopt an ordinance within thirty (30) days of the date hereof incorporating as a minimum the following provisions:

- A. A schedule of fees that the City shall charge its residents for sanitary landfill purposes, which fees shall be in an amount at least equal to the schedule approved by the County.
- B. A section providing that it will be a criminal offense to dispose of litter, garbage, refuse, etc., within City boundaries in a manner other than as approved by the Millard County Sanitary Landfill Ordinance No. 152.

4. CENSUS. City shall provide to County on a quarterly basis the names and addresses of all users of the sanitary landfill services within the boundaries of City, broken down between residential users and various categories of commercial and industrial users. The fees to be paid by the City to the County shall be based on these census figures.

5. FEES, City shall assume all responsibility for billing and collecting solid waste disposal fees and charges from all users within its boundaries and shall pay to County on a quarterly basis, the amounts determined to be due. Payment from the City to the County shall be made irrespective of whether or not the City in fact collects the fee from its residents. The fees to be charged by County for landfill services shall be set by resolution by the Millard County Commissioners, subject to change upon advance written notice to the City. The fee shall initially be in the following amounts:

RESIDENTIAL: \$3/month

COMMERCIAL: As shown below

<u>Column 1</u> Magnitude of Displacement of Solid Waste Gathered in a Calendar Quarter	<u>Column 2</u> Classification Assigned to Displacement Volume Taken from Column No. 1	<u>Column 3</u> Dollar Assessment for Commercial or Industrial User According to Classification Assigned <u>Not More Than / Not Less Than</u>	
100 cubic yards or more	High	+ 25¢ for each cu yd over 100	\$25/month
More than 25 but less than 100 cubic yards	Medium	\$24/month	\$10/month
More than 10 but Less than 25 cubic yards	Low	\$9/month	\$5/month
Less than 10 cubic yards	Minimal	----	\$3/month

6. DEFAULT. In the event City defaults in the payment of the fees due hereunder, County may, in its sole discretion, terminate all landfill services to city until the default is cured. This remedy shall be in addition to all other remedies available to County for enforcement of this contract. In the event City fails to maintain the collection station in a reasonable manner, County may, in its sole discretion, terminate all landfill services to City until the necessary repairs and maintenance to the collection station are made by City.

7. TERM. This Agreement shall take effect on June 16, 1986. Either party hereto may terminate this Agreement by giving ninety (90) days written notice to the other party.

8. NOTICE. All notices required to be given pursuant to this contract shall be sent by certified mail, return receipt requested, with postage prepaid. Notices shall be addressed as follows:

COUNTY:

CITY:

IN WITNESS WHEREOF, the parties have executed this Agreement the
year first above written.

MILLARD COUNTY

Warren E. Jensen
WARREN E. JENSEN, Chairman
Millard County Commission

Attest: Marlene Whicker
MARLENE WHICKER
Millard County Clerk

Approved as to form and content:
[Signature]
MILLARD COUNTY ATTORNEY

Keith L. Gillins
MAYOR

Attest: Carol C. Wise
City Recorder

Approved as to form and content:

City Attorney

CITY OF FILLMORE

96 South Main Street
P.O. Box 686
Fillmore, Utah 84631

Phone (801) 743-5314

January 18, 1985

Mike Styler, Chairman
Millard County Commissioners
P.O. Box 226
Fillmore, Utah 84631

Dear Mr. Styler:

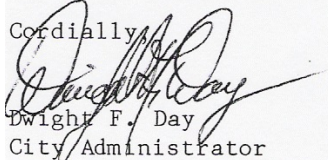
As you may know, we recently held a public meeting on solid waste disposal which was quite informative and we appreciate the presentation made by Robyn and Steve at that meeting.

This subject was also discussed later in the meeting by the City Council and they directed that a letter be sent to you outlining their resolution and feelings on the matter which are:

- 1) We support a dump station solid waste concept, which would be under the direction and control of the County, with an advisory board managing the affairs, consisting of one representative from each participating entity.
- 2) Fillmore's representative would be the Councilman with responsibility for garbage disposal.
- 3) We will consider favorably, the use of our present dump site for the bulky or non-compactable waste, but more details need to be developed before we give final approval.
- 4) We agree that the system should be supported by user fees.
- 5) We need the right to have the garbage from our door-to-door pick-up program unloaded at the Fillmore dump station.

We commend the County for their work on the solid waste problem, as we feel that the only solution feasible is a cooperative program. We trust that we will be hearing from you further as the program firms up, and stand ready to help move the project ahead.

Cordially


Dwight F. Day
City Administrator

