

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 2nd DAY OF OCTOBER 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: Dean Draper, Norm Evenstad, Craig Poulsen, Cynthia Poulsen, Sam Holley, Bruce Costa, Pam Goodrich, Linda Stephenson, Leslie Abraham, Russell Anderson and Sheriff Robert Dekker

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 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 Smith said Governor Huntsman made a statement on September 29, 2006 that he would not do anything or make any kind of an agreement with the State of Nevada on the west desert water issue unless the Millard County Commissioners approved of it. Commissioner Smith said an opening prayer. Everyone stood and said the Pledge of Allegiance to the Flag.

FOLLOW UP ACTION ITEMS FROM MINUTES OF SEPTEMBER 25, 2006

There were none.

APPROVAL OF THE AMENDED MINUTES OF SEPTEMBER 25, 2006

Commissioner Cooper made a motion to approve the amended minutes of September 25, 2006. Commissioner Smith SECONDED the motion and asked that a copy of the Resolution to adopt the Transportation Plan as an amendment to the Millard County General Plan be attached to the minutes. 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 said the Capitol Indigent Defense billing for 2007 in the amount of \$12,398.00 is due before January 15, 2006. She said that \$15,000.00 had been budgeted for this expense.

Commissioner Cooper made a motion to authorize Auditor Grace to pay the Capitol Indigent Defense bill for 2007 in the amount of \$12,398.00.

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

Auditor Grace gave the Commissioners the Check Edit Report of September 29, 2006 to review and sign.

4-H BAKE AND TAKE WEEK PRESENTATION

Present were Craig Poulsen, Cynthia Poulsen and Sam Holley. Craig Poulsen said that the first week in October is 4-H Bake and Take Week and the 4-H likes to thank the people who are helpful and supportive of the 4-H program. Sam Holley, State Ambassador from Millard County presented each member of the Commission a beautifully wrapped basket full of homemade bread and raspberry jam.

NORM EVENSTAD USDA-NRCS RE:RAPID WATERSHED ASSESSEMENT

Norm Evenstad Natural Resources Conservation Service gave handouts and displayed a large project map to the Commission. The objective for the Rapid Watershed Assessment (RWA) is

- to use technology to expedite planning
- outreach as to the status of conditions in the watershed
- producers to share info and participate in need ID and assessment phases
- producers to implement and maintain practices, outreach to stakeholders.

The priority for the remainder of FY06 is the Escalante Desert, Lower Sevier and Lower Green. They anticipate partner assistance for outlining priorities-problems, review of tables generated.... The product of this assessment is a document with tables and brief narratives regarding resource concerns, practices

implemented, land use, land ownership, water use, stream data, TMDL considerations, social/census data.....Based on the 8-Digit Hydrologic Unit Code (HUC). The document will eventually be posted

to the NRCS-Utah web page once it is approved.

The NRCS wants feedback on what the county wants to be addressed in their document. They want to know the concerns and priorities of local people about the local watersheds and what they would like to see done to the watersheds in the future including agriculture, recreation and wildlife habitat. They will work with private land owners and public land management to collect whatever data is available. They would like to determine where the water problems are and what practices and key treatments need to be addressed. Mr. Evenstad was told to contact Adam Britt, Millard County GIS for any Millard County information he would like.

CENTRAL UTAH PUBLIC HEALTH DEPARTMENT PROGRAM-RUSSELL ANDERSON BRUCE COSTA AND LESLIE ABRAHAM

Bruce Costa, Central Utah Public Health Department Environmental Health Director explained what environmental services Central Utah Public Health Department provides to the counties.

- Water Borne Diseases
- Water Lab
- Water Pollution/Wastewater
- Hazardous and Toxic Materials
- Water Supply
- Solid Waste
- Food Protection
- Food Borne Disease
- Day Care Inspection
- Summer Foods
- Indoor Clean Air
- Underground Storage Tanks
- Waste Oil Recycling Program
- Recreational Bathing (Swimming Pools)

Mr. Costa reported that in 2003 the CUPHD conducted a Mass Vaccination Clinic, it involved 30 employees and 300 man-hours. Approximately 190 citizens from Millard County attended the clinic.

Included in this program is the Medical Reserve Core Program that recruits volunteers such as nurses, doctors, veterinarians, and emergency medical technicians that can be on call upon the event of a natural disaster.

Leslie Abraham said that Central Utah Public Health Department Community Health Services include:

- Health Services in Schools
- Well Child Screening
- Communicable Disease Control/Epidemiology
- Sexually Transmitted Diseases (STD) HIV/AIDS

- Family Planning Services
- WIC (Women Infants and Children)
- Baby Your Baby
- Early Intervention
- Children With Special Health Care Needs Service
- Home Visitation Program
- Targeted Case Management
- SIDS Support
- Tuberculosis (TB) Control
- Cancer Control Program
- Cardiovascular Program
- Tobacco Free Program
- Injury Prevention Program
- Immunizations

Mrs. Abraham said that in Millard County 350 WIC clients were served monthly, over 3,600 immunizations were given, screened nearly 80 cancer clients, and provided 22 special needs children and their families.

Various car seat compliance checks were provided to educate drivers on the use of the car seats(car seats are also provided at low or no cost to families.)

CUPHD is collaborating with local communities to be prepared for emergencies. A local medical reserve corps that covers the Central Utah area is being established to help in the case of an emergency.

Pam Goodrich and RN Linda Stephenson were introduced to the Commission.

Russell Anderson said that there is a cost associated with any services that are rendered and CUPHD provided the citizens services in many areas. The CUPHD is suggesting to the counties that they pay an extra dollar per capita to help off set the costs. Many of their programs are federal or state funded but additional money is needed. Millard County is currently paying \$58,388.45 and one dollar increase would bring that total to \$71,509.45.

RATIFY THE SIGNING OF THE PREDATOR CONTROL CONTRACT WITH THE DEPARTMENT OF AGRICULTURE AND FOOD

Commissioner Smith made a motion to ratify the signing of the predator control contract with the Department of Agriculture and Food.

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

REVIEW AND POSSIBLE APPROVAL OF A BUSINESS LICENSE FOR TAP ENTERPRISES INC.

Attorney LeRay Jackson explained that his license had originally been sent to Delta City but being the location of the sale was not within the city boundaries the city had sent it to the county for

processing.

Commissioner Cooper made a motion to approve a business license for Tap Enterprises Inc.

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

POSSIBLE APPROVAL OF ORDINANCE No. 06-10-02, AN ORDINANCE ADOPTING THE INTERNATIONAL URBAN WILDLAND INTERFACE BY UTAH ADMINISTRATIVE RULES, AND DECLARING AN EFFECTIVE DATE

Attorney LeRay Jackson said this ordinance is to help the county apply for financial and supervisory cooperation with fire suppression.

Commissioner Cooper made a motion to adopt Ordinance No. 06-10-02, An Ordinance Adopting the International Urban Wildland Interface by Utah Administrative Rules, and Declaring an Effective Date.

Commissioner Smith SECONDED the motion. Millard County Clerk Norma Brunson called for a roll call vote. Commissioner Smith. YES. Commissioner Cooper. YES. Commissioner Walker. YES. The motion carried. The ordinance will be on file in the Clerk's Office.

DISCUSSION ON THE DELTA CITY LAW ENFORCEMENT CONTRACT-COUNTY ATTORNEY JACKSON, AUDITOR GRACE AND COMMISSIONERS

This item was tabled until a later date. The Commissioners have scheduled a meeting with Fillmore City and Delta City on October 24, 2006.

MILLARD COUNTY ASSESSOR JAMES TALBOT - CONVENE AS THE BOARD OF EQUALIZATION

Commissioner Cooper made a motion to convene as the Board of Equalization.

Commissioner Smith SECONDED the motion. The voting was unanimous and the motion carried. The board convened at 11:30 a.m..

Chief Deputy Assessor Susan Duncan presented a list of all the changes made to property taxes and gave it to the Commissioners to review.

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

Commissioner Cooper SECONDED the motion. The voting was unanimous and the motion carried. The board closed at 11:33 a.m..

Millard County Clerk Norma Brunson reported to the Commissioners that she had received word that if a fourth congressional seat is awarded to Utah, a special primary election and a special general election in 2007 would be held and this will affect her budget. She will leave the clerk's budget as it is now and open it later if the special elections are scheduled.

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

Commissioner Smith attended the Six County Mental Health Authority Board meeting on Wednesday, September 20, 2006. The board reviewed the audits that had been completed. He had copies of the minutes and financial report if the other Commissioners want to read them.

All the Commissioners, Treasurer Hansen, Auditor Grace, and Attorney Jackson meet with the Utah State Tax Commission property tax and sales tax division to help gather information for the county to use to make the decisions on the Conditional Use Permit for the IPP Third Unit.

All the Commissioners, Dean Baker and Jerald Anderson met with Governor Huntsman and Lynn Stevens, public lands, to thank the governor for his continued commitment and support to protect the citizens' of the West Desert way of life and to give an update on the proposed water project and an update on IPP.

Commissioner Cooper reported that Aaron Kesler, Peter Vander Meide will facilitate their own meeting about building an access road on former Kimball farm east of Fillmore that Mr. Westoff recently purchased. Keys have been provided for the locked gate by Mr. Westoff so others can access forest land. Commissioner Cooper said he feels it is not the county's responsibility to take this issue any further

Commissioner Walker said on Tuesday, September 19, Sheri Oppenheimer and Lynette Madsen resigned from the Miss Millard Pageant directors. Tammy Bean, a former pageant director has been asked and has accepted to serve as the new director.

Commissioner Walker said that she talked with the mayors and asked them to submit the name of someone to serve on the Millard County Long Term Care Committee. So far the following names have been suggested, Gordon Shipley from Oak City, Dale Roper from Delta, Neil Swenson from Hinckley, Gale Chapman from Leamington, Joyce Barney at large and Rex Rowley from Fillmore. There may be others appointed. Commissioner Walker will meet with the representatives and discuss concerns about the Millard County Care Center.

Commissioner Walker said Jeff Edwards, Utah Department of Economic Development, who reported that Brush Resources will be building in Ohio instead of Delta, Utah. The main factor was they already had a workforce in place in Ohio. Brush Resources was considering building a pebble plant in Delta. Mr. Edwards expressed his appreciation to the county for their cooperation.

Commissioner Walker talked to Grant Nielson and Charlotte Morrison about a Great Basin Museum personnel matter. The county policy did not permit a part time contract employee being paid if they weren't at work.

Commissioner Walker talked with KUED about the Desert Wars DVD that the county had been given. The DVD is copyrighted and cannot be copied, however, additional copies will be available in three weeks for people to purchase.

Commissioner Walker attended the MEDA meeting on October 28, 2006.

OTHER BUSINESS

Sheriff Dekker said it is current county policy not to pay part time people over time rates. The ambulance department is having trouble covering holiday weekend shifts because no over time is being paid. He would like to recommend that the double pay policy for holiday weekends be extended to the ambulance team. The Commissioners approved the request.

Commissioner Smith reported that Recorder Hansen reported some individuals had requested some section corners put in. In order to accommodate the work, the contract with Jim Edwards Surveying will be amended \$400 to included this work.

Commissioner Smith presented a modification to an early agreement with the USDA Forest Service because additional gravel was needed for the project at Adelaide Campground. The estimated quantity was 400 ton; actual quantity was 486 ton @\$13.00 per ton.

Commissioner Smith made a motion to sign the Modification No. 1 to Agreement No. 06-RO-11040800-013 Between USDA Forest Service, Fishlake National Forest and Millard County.

Commissioner Cooper SECONDED the motion. The voting was unanimous and the motion carried. Commissioner Walker signed the document. The contract was sent to Pat Fordham in Richfield by the Clerk's Office. A copy will be on file in the Clerk's Office.

Commissioner Cooper has received a request from Peter Vander Meide for the Board of Adjustments to convene to hear his concerns about a road that goes to a family cemetery in the Cove Fort area and he is requesting a variance on the zoning restrictions on a home in a one acre parcel. Mr. Vander Meide has an agreement with the county that he not build on the other nineteen acres and this agreement is keeping him from getting the home refinanced. He needs the one acre to be exempt for the twenty acre zoning so the remaining nineteen acres can be sold. The request will be given to Leon Smith, county planner for review.

Commissioner Walker read a statement from Millard County Solid Waste Department Position from Sheryl Dekker, Director of Operations and Phil Lovell, Site Supervisor. (See Exhibit A.)

John Hansen reported a GRAMMA request he has received for tax sale records. He will notify the requestor that he can come in and look at the records. If the person deems this a denial he will want to know who the contact person for the county is. The Chief Administration Officer is Millard County Clerk Norma Brunson who will notify the Millard County Attorney's Office of any GRAMMA requests.

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 made a motion to adjourn the meeting.

Commissioners SECONDED the motion. The voting was unanimous and the meeting was adjourned at 11:57 a.m..

Attest: _____

Approved: _____

MILLARD COUNTY SOLID WASTE DEPARTMENT POSITION STATEMENT
To Millard County Commission and Fillmore City
September 27, 2006

The compactor at the Fillmore transfer station compacts solid waste to an eight-ton load, as opposed to the regular 40 yard bins which hold three and a half tons. The ratio is a little less than two to one.

Cost of a new compactor unit is \$27,000 with a new bin. Without the new bin it would be around \$8,000 less or \$19,000. The work that was recently performed by Wheeler was replacement of the old motor with a new motor, and a new electrical panel. So the only things that aren't new are the housing for the motor and the bin. It is currently like a totally overhauled vehicle.

It is difficult to determine the cost of additional loads to be hauled by landfill personnel. In any event, Millard County does not have the staff or vehicles to haul the extra loads that would be generated without the compactor. Without the compactor, the "private" hauler should deliver his loads to the Millard County Landfill which is the standard across the nation.

Millard County and

Options:

1. Turn ownership of the compactor over to Fillmore City at no cost to the city. The original agreement signed June 16, 1986, called for

"MAINTENANCE AND OWNERSHIP OF THE 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."

To date Fillmore City has never performed any repair or maintenance to the site. All maintenance has been performed by Millard County Landfill and Millard County Road Department. It would seem fair and reasonable that we continue to perform maintenance of the approach to the drop off zone, and Fillmore City perform all other maintenance and repair.

2. Turn ownership of the compactor over to the private hauler in Fillmore City and require that he perform all maintenance and repair to the compactor or haul all loads to the Millard County Landfill six miles east of Delta the same as the private hauler in Delta. Under no circumstances should he be allowed to dump loose waste into the other 40 yard bins.

3. Conduct business as usual. This is unacceptable to the Landfill Department because the original agreement is twenty years old and is subject to retaliation or litigation by other private garbage haulers. Solid waste tonnage has increased dramatically since the inception of the original agreement.

Sheryl Dekker, Director of Operations
Phil Lovell, Site Supervisor

