

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 18th DAY OF DECEMBER 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: Treasurer John Hansen, Delta City Mayor Gayle Bunker, Fillmore City Mayor David Christensen, Paulette Staples, Lindsay Mitchell, Katie Camp, Josh Camp, Noah Kershisnik, Sheriff Dekker, Peter and Lynell Vander Meide

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 January 2007.

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 George Washington and then said the invocation. Everyone stood and said the Pledge of Allegiance to the Flag.

FOLLOW UP ACTION ITEMS FROM MINUTES OF DECEMBER 11, 2006

Commissioner Smith said he had contacted Mayor of Scipio for another copy of the Scipio Annexation and he will get it to the Clerk's Office for filing.

APPROVAL OF THE AMENDED MINUTES OF DECEMBER 11, 2006

Commissioner Cooper made a motion to approve the amended minutes of December 11,

2006.

Commissioner Smith 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 December 15, 2006 to review and sign.

The Commissioner authorized Auditor Grace to eliminate the Eskdale road money from the budget because the project is on hold.

FINAL APPROVAL OF DATES FOR 2007 COMMISSION MEETINGS-CLERK NORMA BRUNSON

Millard County Clerk Norma Brunson provided a list of the 1st & 3rd Monday and the 2nd and 4th Monday in each month of 2007. The Commissioners reviewed the dates and discussed which schedule would be approved for next year. Another suggestion was made by Treasurer Hansen to hold meetings every other week and if the meeting falls on a Monday holiday then they will meet on the prior Monday or the Monday following the holiday.

Commissioner Smith made a motion to meet on the first and third Tuesday at 10:00 each month.

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

Commission Meeting Dates for 2007

January 2, 16	July 3, 17
February 6, 20	August 7, 21
March 13, 20	September 4, 18
April 3, 17	October 2, 16
May 1, 15	November 6, 20
June 5, 19	December 4, 18

REVIEW AND EXECUTION OF THE DELTA CITY AND FILLMORE CITY LAW ENFORCEMENT CONTRACTS

Millard County Attorney LeRay Jackson said that he had the Fillmore City and Delta City law enforcement contracts ready to fill in the blanks for the hours of service, the coverage and the dollar figure for the contract. Commissioner Walker asked if there were any further comments on the law enforcement contracts for Fillmore City and Delta City. The mayors of each city said there

were none at this time.

Commissioner Cooper said the high cost of law enforcement to the county and the tax payers are a concern. There is no way for the sheriff to defray the cost of the benefits mandated by the state.

Commissioner Smith said the increase in the sheriff's budget is only to cover the COLA and benefits package, and for a little raise for fuel.

Commissioner Cooper said the county's revenue has deteriorated over the past few years and he feels Millard County's offer of a discounted price for law enforcement to the cities is a good offer. The county's budget is \$2,780,250 which is up \$300,000 from last year.

Commissioner Walker said that currently Fillmore City has been paying a 30 percent discount and Mayor Christensen has offered to pay a 5 percent increase over last years payment. Mayor Christensen said Fillmore City is willing to offer \$144,342 which is 10 percent over what they paid last year based upon his council's approval.

Commissioner Cooper made a motion to accept Fillmore City's proposal to pay \$144,342 for law enforcement provided by Millard County for eighteen hours service.

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

Mayor Bunker said that Delta City has been paying \$169,865 for law enforcement. Delta City's offer is from the base figure of \$210,000 less \$25,000 for the secretary and less \$13,000 for rent making their offer \$172,000 for twenty-four hours coverage.

Commissioner Smith made a motion to approve Delta City's proposal of \$172,00 for twenty-four hours law enforcement coverage. The cost excludes the cost of the secretary and rental which totals \$38,000.

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

All changes in the language in the law enforcement contract were approved by both the Commissioners and the mayors. Attorney Jackson will provide copies of the contracts to the mayors to sign and they will get a copy back to the Clerk's Office for filing.

APPOINT MEMBERS TO THE MILLARD COUNTY SPECIAL DISTRICT NUMBER 8

The item was tabled until next week.

PUBLIC HEARING TO APPOINT TRUSTEES TO THE MILLARD COUNTY DRAINAGE DISTRICTS NUMBERS 1-4

Commissioner Smith made a motion to go into a public hearing to appoint Trustees to the Millard County Drainage Districts Numbers 1-4.

Commissioner Cooper SECONDED the motion. The voting was unanimous and the motion carried. The public hearing began at 11:05 with no one from the public speaking for or against the appointments.

Commissioner Smith said that it is proposed to appoint Gale Bennett and Klint Atkinson as Trustees for Millard County Drainage District No. 1. Gale Bennett would replace Waldo Warnick

and Klint Atkinson would replace Mike Palmer. It is recommended to reappoint Tony Anderson to Millard County Drainage District No. 2, Ken Fowles to District No. 3 and Scott Anderson to Millard County Drainage District No. 4 as Trustees for another term.

Commissioner Smith made a motion to adjourn the public hearing.

Commissioner Cooper SECONDED the motion. The voting was unanimous and the motion carried. The public hearing adjourned at 11:08.

Commissioner Smith made a motion to appoint Gale Bennett and Klint Atkinson as Trustees to Millard County Drainage District No. 1, Tony Anderson to be reappointed as Trustee to Millard County Drainage District No. 2, Kenneth Fowles to be reappointed as Trustee to Drainage District No. 3 and Scott Anderson to be reappointed as Trustee to Millard County Drainage District No. 4.

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

PUBLIC HEARING FOR THE PURPOSE OF OPENING THE COUNTY BUDGET FOR THE YEAR 2006

Commissioner Cooper made a motion to go into a public hearing for the purpose of opening the county's budget for the year 2006. There was no one from the public who opposed the action.

Commissioner Smith SECONDED the motion. The voting was unanimous and the motion carried. The public hearing began at 11:09.

Millard County Auditor Brandy Grace said that according to Utah Code a public hearing needs to be held to increase the general fund. The other areas can be increased by resolution. She said the Auditor and Treasurer estimated that approximately \$500,000 are needed to increase the general fund. The reasons for opening the budget are that the Millard County Long Term Care Center budget is over budget \$301,000 plus and there were some shortages in employee benefits' costs in other departments.

Commissioner Cooper made a motion to go out of the public hearing.

Commissioner Smith SECONDED the motion. The voting was unanimous and the motion carried. The public hearing ended at 11:14 a.m..

CONSIDERATION AND POSSIBLE APPROVAL OF RESOLUTION NO. 06-12-18A, A RESOLUTION OF THE BOARD OF COMMISSIONERS OF MILLARD COUNTY, STATE OF UTAH, ADOPTING A FINAL BUDGET FOR MILLARD COUNTY FOR FISCAL YEAR 2007 AND FIXING SALARIES FOR VARIOUS COUNTY OFFICERS

Commissioner Smith made a motion to approve Resolution No. 06-12-18A, A Resolution of the Board of Commissioners of Millard County, State of Utah, Adopting A Final Budget for Millard County for Fiscal Year 2007 and Fixing Salaries for Various County Officers.

Commissioner Cooper SECONDED the motion with discussion. Millard 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.

CONSIDERATION AND POSSIBLE APPROVAL OF RESOLUTION NO. 06-12-18 B, A

RESOLUTION OF THE BOARD OF COMMISSIONERS OF MILLARD COUNTY, STATE OF UTAH, OPENING AND INCREASING THE 2006 GENERAL FUND BUDGET

Commissioner Cooper made a motion to approve Resolution No. 06-12-18B, A Resolution of the Board of Commissioners of Millard County, State of Utah, Opening and Increasing the 2006 General Fund Budget.

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 voting was unanimous and the motion carried.

CONSIDERATION AND POSSIBLE APPROVAL OF RESOLUTION NO. 06-12-18 C, A RESOLUTION OF THE BOARD OF COMMISSIONERS OF MILLARD COUNTY, STATE OF UTAH, TRANSFERRING UNENCUMBERED OR UNEXPENDED APPROPRIATION BALANCES FROM ONE DEPARTMENT IN A FUND TO ANOTHER DEPARTMENT WITHIN THE SAME FUND

Commissioner Smith made a motion to approve Resolution No. 06-12-18 C, A Resolution of the Board of Commissioners of Millard County, State of Utah, Transferring Unencumbered or Unexpended Appropriation Balances from One Department in a Fund to Another Department Within the Same Fund.

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 carried.

CONVENE AS THE BOARD OF ADJUSTMENTS FOR PETER C.VANDER MEIDE'S REQUEST

Commissioner Cooper made a motion to convene as the Board of Adjustments for Peter C. Vander Meide's request.

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

Leon Smith, Millard County Planner gave a brief history on the request made by Mr. Vander Meide. In 1999 Peter C. Vander Meide approached the county to build two homes in the Cove Fort area. At that time the property for the homes were in a twenty acre zone. The county granted them a building permit to build the home on a one acre piece each with an easement on the other nineteen acres of non- development issued to the county. The paperwork was done. There were two parcels that went through this process with conditional use permits, but they were not recorded in the Records Office. Now when one of the homes needs to be refinanced the lenders will not lend on the home as it is not in compliance with the zoning requirements. Mr. Vander Meide is asking for a variance. Mr. Smith's suggested the problem could be solved by continuing the non-development easements on both of the lots and write a letter to the lender stating the lots meet the requirements of the county.

The issue was discussed with Mr. Vander Meide who said that there are other properties

involved in the area. He gave a paper to the Commissioners with reasons why the variance would work. There are three different alternatives for solving Mr. Vander Meide's problem.

1. Finish the process and record the non-development easements.
2. The area could be re-zoned.
3. Grant the variance.

Commissioner Cooper made a motion to deny the variance for Peter C. Vander Meide and recommended that the applicant obtain and record the restrictive covenants. *Mr. Vander Meide asked if this would cover all four of his lots? (The Commissioners said "No, only for the two lots with homes on them.") One of the problems in the original application is that there are easements on the outside of the properties that prevent him from getting to his commercial properties. He cannot get rid of the easement without paying off the mortgage on his home. The variance was for his deceased son's property so it can be sold. He asked Attorney Jackson that if the non-development easements were finished then would he be able to sell the one acre parcel and get a mortgage and insurance on it. Attorney Jackson answered in the affirmative.*

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

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

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

Commissioner Smith made a motion to recess for the Christmas Party at the Paradise Restaurant.

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

NOON LUNCH BREAK

Commissioner Smith made a motion to reconvene the meeting.

Commissioner Cooper SECONDED the motion. The meeting reconvened.

Millard County Treasurer John Hansen discussed the aspect of his working with tax collection with the Commissioners. In the process of doing the tax collections, there are incidences that occur during the year, for which that he has been directed to make adjustments in the past. Some adjustments come from the Assessors Office, some adjustments were from the State Tax Commission for centrally assessed property, and some come from the motor vehicle division. The adjustments are the direct responsibility of the Commissioners but they are not involved in it on a day to day basis. Treasurer Hansen asked for Commissioners' approval for him to handle the adjustment during the year. There are some small balances left on some accounts and in the past if they were under \$10 or under \$5 the county didn't bill or refund for that amount. After November 30th of each year the taxes are due and delinquent and some people have legitimate reasons. The penalty and interest have been waived if there are legitimate reasons.

Millard County Treasurer John Hansen handed the Commissioners a printout of all the year

to date adjustments to review.

Circuit Breakers	\$55,995.66
Veteran Abatements	\$16,835.92
Blind Exemptions	\$664.95
Indigent Abatements	\$2,352.60
20% of Market Circuit Breaker	\$11,186.11
Commissioners Adjustments	\$532.39
Pumping Plant Exemptions	\$15,967.99
Assessor's Adjustment	\$3,949.32

Commissioner Smith made a motion to authorize Treasurer Hansen to make routine tax adjustments on the collection process throughout the year and the adjustments that are not routine will be brought to the Commissioners.

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

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

Commissioner Cooper and Commissioner Smith attended the public land coordinating committee meeting in Salt Lake City. Commissioner Walker was excused. They met with the committee and made a presentation with Mark Ward, attorney and Edwin Firmage, former Utah of University Professor. Millard County's goal was to be able to be involved in the water hearings between Nevada and Utah. Up until now Utah has not been willing to let Millard County in and have a seat at the table. Millard County has a commitment from Lt. Gary Herbert that Millard County can be involved in the legal strategy and will be able to know what will be presented to Nevada.

Commissioner Smith said that he had talked with some citizens in the county that are concerned with the tax raises requested by the Deseret Oasis Cemetery District and Mosquito Abatement District. He encouraged them to attend the service districts' budget hearings.

All three Commissioners attended a Christmas party with Millard County Recreation and USU Extension.

OTHER BUSINESS

Lindsay Mitchell came before the Commissioners with a request for an ambulance abatement for Gregory L. Moe in the amount of \$2,066.70. Mr. Moe is employed by Red Rock Cheese in Delta, Utah. The Commissioners reviewed his application, income and expenses.

Commissioner Smith made a motion to deny Mr. Moe's request for an ambulance abatement based on income. There had not been an explanation if there were additional medical hardships. He will be referred to First Professionals to set up a payment program.

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

carried.

Commissioner Smith brought before the Commissioners a request from the permittees who are doing a fencing project south of Deseret to the 257 highway cut off road. They are asking the county again to provide a cattle guard. The Commissioners discussed the issue again and said that the county is participating by providing the equipment and the labor to put a cattle guard in and the permittees must find a way to pay for the cattle guard.

Commissioner Cooper reported he attended a meeting where Sharon Aguiar whose dog was recently killed by an M44 cyanide bomb. She has started a crusade to get the government agency, Utah State Department of Agriculture, which uses the bomb, for predator control, to put up permanent signs clearly marking the areas the bombs are placed. The Salt Lake Tribune featured an article about her crusade. There have been other dog killings and several people have been injured by the bombs in Utah. On January 3, she will speak at the Six County Association of Governments meeting in Richfield, Utah.

Commissioner Walker received an e-mail from Jane Beckwith in regards to the money Millard County had given to Topaz Museum for the purchase of land. Because they have not finalized the purchase of the land, they will be returning the \$22,500 back to Millard County, with the hopes that when they are ready it can be given to them again. The 38 million dollars from the federal government for the interment camps, first have to be bill has to be funded, the number of camps to be funded went from ten camps to fifty-five non profit organizations and a fifty-fifty match has to be met to get any money.

Commissioner Cooper said he had talked with Jane Beckwith and had told her that in his opinion, the Commissioners have a commitment with them and the money will go into the special project funds until they request it again.

The Commissioners and Attorney Jackson said that they are in the process of working up a contract to have Leon Smith work part time as a consultant at \$25.00 an hour for a period of six months.

The closing date for the applications for the economic developer position ends December 22, 2006. The interviews will be conducted after the first of the year.

On behalf of the Commissioners, Commissioner Cooper expressed their sincere gratitude to Millard County Attorney LeRay Jackson for the many years of service he has given to Millard County.

PUBLIC INPUT

Katie Camp, Josh Camp and Noah Kershisnik came before the Commissioners as representatives of the 4-H Teen Council to thank the Commission for all their support of the 4-H program. They gave each member of the Commission a baked Christmas wreath.

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 2:25 p.m.

Attest: _____

Approved: _____