

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 20TH DAY OF MARCH 2007
AT THE COURTHOUSE, FILLMORE, UTAH

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

Richard Waddingham County Attorney
Norma Brunson County Clerk
Janice Robins..... Deputy County Clerk

ALSO PRESENT: Beverly Dutson, Arlene Allen, Ireta Shurtz, Myrna Longhurst, Delma Jean Galli, Rachel Wright and Kathryn Greenhalgh - DUP Museum Board
Laura Wood, Elaine Keel, Carolyn Walker-Citizens
Dean Draper- Chronicle Progress Reporter

PURSUANT TO AN AGENDA WHICH HERETOFORE HAD BEEN PROVIDED TO each member of the governing body, the local news media 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 April 2007.

PUBLIC WAS WELCOMED

The meeting began at 10:00 a.m. after a brief welcome by Commissioner Smith to the public and Commission members.

OPENING STATEMENTS

Commissioner Cooper expressed his appreciation to the armed forces, especially to those serving from Millard County, for their continuing fight against terrorism. He said that we should all support the troops and not criticize their efforts. Commissioner Cooper said the prayer. Everyone stood and said the Pledge of Allegiance.

FOLLOW UP ACTION ITEMS FROM MINUTES OF FEBRUARY 20, 2007

Commissioner Smith reported that the proposal from Personnel Systems & Services for a Millard County Human Resource Management Study had been accepted by the Commissioners. Auditor Grace has contacted Mr. Swallow from said company and they have begun the process to create a step and grade system for Millard County.

APPROVAL OF THE AMENDED MINUTES OF FEBRUARY 20, 2007

Commissioner Walker made a motion to approve the amended minutes of February 20, 2007.

Commissioner Smith stepped from the chair and SECONDED. The voting was unanimous and the motion passed.

AUDITORS REPORT

Millard County Treasurer John Hansen reported that the taxes on property with Serial Number 5362, owners Bruce and Kerry Coombs are delinquent for 2002, 2003, 2004, 2005 and 2006. Partial payments have been made for 2002 and 2003 leaving a balance due of \$3,266.43. The Commissioners authorized the Auditor and Treasurer to notify the owners that one half of the balance must be paid to have the property taken off this year's tax sale and the remaining balance must be paid before next year's sale.

Auditor Brandy Grace gave the Commissioners various invoices to review and approve for payment through the Auditor's Office. The February billing for the Millard County Long Term Care Center for \$133,365.14 and \$8,422.38 for the swing beds at the Fillmore Medical Center was submitted.

Commissioner Walker made a motion to pay the invoice for the Millard County Long Term Care Center and the Fillmore Medical Center.

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

Ben Hunter, Millard High School Ag teacher had turned in an invoice from Scholzen Company for \$3,982.45 for the panels the Millard Eagle FFA Chapter had contracted to build for the Millard County Jr. Livestock Show. Mr. Hunter was instructed to have the company bill Millard County for the supplies and the county will pay the invoice.

Auditor Grace has an invoice for Howard K. Johnson for conflict council work in the amount of \$2,976.00. Auditor Grace said she is irritated that they would bill the county for time spent waiting for a check in her office and the time they talked with the Auditor's Office and Commissioner Cooper. Mr. Johnson had been told checks are cut once a week. The county has already given them a check for \$5,000.00. (Attorney Richard Waddingham checked the invoice and it appears to him that the money should come out of the public defender's contract. Attorney Waddingham said he would check further into the matter as they believe the conflict work should be billed through Milt Harmon's Office.)

Auditor Grace gave the Commissioners the Check Edit Report of March 16, 2007 to review and sign.

Auditor Grace reported a check from the Division of Wildlife Resources for Payment in Lieu of Taxes funds was received by her office.

Purchasing cards for \$1,000 were approved by the Commissioners for Gary Hone, East Millard Maintenance Supervisor and Kevin Morris, West Millard Maintenance Supervisor.

Auditor Grace said that a bid had come in for property (141.3 ac.) Millard County had been advertising on the internet. The bid is for \$3,000 which is a little more than \$20.00 an acre. The Commissioners authorized Auditor Grace to notify Michael Hiskey that his bid was rejected.

Auditor Grace reported that Utah Counties Insurance Pool, (“UCIP”) is moving forward toward its goal of building the pool to 800 members to be classified its own risk pool. Sevier County just left Intermountain Health Care because of a better offer. UCIP is hosting a meeting in Davis County on Wednesday, March 28 to discuss Davis County’s Wellness Program. Auditor Grace was asked to attend with someone else she designates.

Commissioner Walker made a motion to sign the permit with the USDA Forest Service for the ATV Jamboree.

Commissioner Cooper SECONDED the motion. The voting was unanimous and the motion carried. It will be ratified at the next Commission meeting.

Auditor Grace said Kevin Morris had called and asked how to code invoices for some fair building repairs that were required by public health. The invoices will be paid out of the West Millard Recreation Fund Balance.

DWR, DIVISION OF WILDLIFE RESOURCES, SEAN KELLY AND MICHAEL KINGHORN

They were not in attendance.

DISCUSSION OF INDUSTRIAL LANDFILL FEES

Commissioner Walker led the discussion on Industrial landfill fees. She said three months ago Delta Garbage complained that Millard County is providing industrial 40 yard dumpster bins to businesses at a cost far below what the private providers could compete with. Delta Garbage asked that the county not compete with private providers. Commissioner Walker had done some research and gave a copy to the Commissioners prior to the meeting. Dumpster bins are being provided to Dust Chem, Delta Egg Farm, Graymont and Mountain View Mushrooms by Millard County.

After discussing the issue there appears to be three options that the county can take.

1. Leave the fees as they are and continue to provide the service.
2. Increase the fees to be more in line with private enterprise.
3. Eliminate providing dumpster bins to industries altogether.

Commissioner Walker made a motion to table a decision until the next Commission meeting on April 3, 2007.

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

IRETA SHURTZ-DAUGHTERS OF UTAH PIONEERS, MILLARD WEST COMPANY-DISCUSSION ON GRANT FOR WING OF GREAT BASIN MUSEUM PROJECT

Ireta Shurtz, president of the Millard West Company of the Daughters of the Utah Pioneers, said that their organization helps to preserve our pioneer ancestors' history by preserving and displaying artifacts and presenting history programs. The DUP does not have a museum in their area and they have been invited to house one in the new Delta Civic Center which is to be built. Their goal, as presented by Myrna Longhurst, is to have a room sufficient in size and worthy of the valuable artifacts that will be housed, along with all the security and lighting systems that are necessary, for the education and enjoyment of future generations. There are hundreds of written histories that need a place to be viewed.

Ireta Shurtz said a book has recently been released entitled, "Interviews and Writing by Maude Crane Melville." She gave a short story from this book.

Rachel Wright from the Oak Camp showed her great-grandmother's beautiful shawl that her family has been preserving for many years. She said there are many artifacts that need a place to be preserved for future generations.

Arlene Allen and Beverly Dutson showed pictures of the many artifacts that are now being stored in Mrs. Dutson's home and told a little about how special they are to their family and others.

Kathryn Greenhalgh invited the Commission to attend a celebration that The West Company of the Daughters of Utah Pioneers will be hosting on April 11, 2007 at 11:00 in the Delta Palomar. There will be an artifacts display, square dancing, music, history of the log cabin, a lunch and birthday cake.

The cost of building their proposed room at the civic center will be between \$120,000 and \$125,000. They should be getting \$6,000 from the State to help with their museum. They have applied for a grant and the DUP Museum Board asked the Commissioners to remember them along with the Great Basin Corridor Route, Great Basin Museum and Topaz Museum, when the federal funding is ready to be disbursed.

REQUEST FOR COMMISSION WAIVER OF FEES FOR DELTA COMMUNITY MEDICAL CENTER ("DCMC") HEALTH FAIR

Commissioner Walker made a motion to approve a 50 percent reduction of rental fees on the fair building for the DCMC Health Fair.

Commissioner Cooper **SECONDED** the motion and stated that to help with the health and welfare of the citizens is part of the Commissioners' responsibilities. The voting was unanimous and the motion carried.

POSSIBLE APPROVAL OF A BUSINESS LICENSE FOR JEFFERY FARMS INC., TODD E. JEFFERY, OWNER

After reviewing the business license application, Commissioner Cooper made a motion to approve the business license for Jeffery Farms Inc., Todd E. Jeffery, owner.

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

POSSIBLE APPROVAL OF A BUSINESS LICENSE FOR COVE FORT SUBWAY, SHAUN HODGES, OWNER

The Commissioners reviewed the application and found everything in order. Commissioner Walker made a motion to approve the business license for Cove Fort Subway, Shaun Hodges, owner.

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

POSSIBLE APPOINTMENT OF LORI ROPER TO THE MILLARD COUNTY ECONOMIC DEVELOPMENT ASSOCIATION BOARD (“MEDA”)

Commissioner Walker made a motion to appoint Lori Roper to the MEDA Board. Lori Roper has served part of a term and will continue to serve a new term.

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

POSSIBLE APPROVAL OF A NON-PLAT SUBDIVISIONS FOR JEFF WOOD AND JASON PEHRSON

Gary Walker, Millard County Planner/Building Inspector, gave information on to the Commissioners on the situation of the property owned by Jeff and Laura Wood. They had split the parcel into three parcels prior to going to the planning committee. The location of the property is near Hatton and Mr. Walker showed the location on a plat map and aerial photo. On one parcel is an existing home, a shop is on the second parcel and the third parcel is where they want to build another home. The Woods have been given a 33-foot easement from Missouri Flats and the Woods have made an easement below all three parcels. Attorney Waddingham said the easement from Missouri Flats would need to cover any additional parcel owners to prevent the land from being landlocked. The properties need to front a county, public or private road. Mr. Walker will have to determine if the easement the Woods gave to themselves will qualify as a road. An affidavit and certificate of subdivision had been prepared by Attorney Waddingham that can be signed by the Commissioners after Gary Walker inspects the new roadway. Attorney Waddingham said a building permit cannot be issued until everything is in full compliance and the non-plat subdivision will not be valid until all things are finished.

Commissioner Cooper made a motion to have Mr. and Mrs. Wood come back when the stipulations are in compliance and have the approval of Gary Walker, Millard County Planner/Building Inspector.

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

Mr. Walker said that Jason Pherson’s subdivision was also held up in the building permit phase. The Commissioners reviewed the plat map of the property. A Conditional Use Permit has been signed.

Commissioner Walker made a motion to approve the non-plat subdivision for Jason Pherson and authorized Commissioner Smith to sign the affidavit and certificate of subdivision to be filed

with the Millard County Recorder.

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

The intent of Millard County's General Plan is to have growth within existing communities outward which saves the taxpayer money in providing services to the citizens. Some of the Millard County zoning ordinances will need to be amended to re-enforce this concept.

BID OPENING FOR MILLARD COUNTY RECREATION-KEVIN MORRIS, WEST MILLARD MAINTENANCE

Millard County Auditor Brandy Grace reported that no bids had been received for the Millard County Recreation Department's project. The Commissioners gave permission for Kevin Morris to accept three telephone bids on the supplies needed for the project.

Commissioner Walker made a motion to recess the meeting until 2:15 p.m.

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

Commissioner Walker made a motion to reconvene the meeting at 2:15 p.m..

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

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

Commissioner Walker made a motion to go into an executive session to discuss personnel issues.

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

The closed session ended at 2:47 p.m. and the meeting reconvened.

Commissioner Walker made a motion to approve the payroll changes discussed in the executive closed session.

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 attended the Six County Association of Governments meeting.

Commissioner Cooper said he received a request that the county fix the pot holes in the county road east of Fillmore near the dug way.

Commissioner Walker reported that on February 23 & 24, the Snow Goose Festival in Delta was well attended by visitors throughout the country, including LeVon DeRich, Utah State Office Tourism Director.

On February 28, Commissioner Walker conducted the Council of Governments Meeting in Fillmore. Commissioner Smith and Commissioner Cooper were excused. Also presenting were Sheri Hirst, Fillmore BLM Field Office Manager, Dale Barnhurst, USDA Forest Service and Gary Walker, Millard County Planning and Zoning Director, Linda Gillmore, Millard County Economic Director and Ed Zmitravich, who gave an updated report on Mormon Crickets.

All three Commissioners attended an open house for the new Utah Bureau of Land Management State Director, Selma Sierra, February 21, 2007 at the Fillmore BLM Office. It gave the Commissioners an opportunity to discuss local issues of concern with the State Director including the importance of the involvement of the local BLM Office in the Environmental Impact Statement (“EIS”) process regarding Southern Nevada Water Authority’s proposed project in the Snake Valley.

Commissioner Cooper attended the NADO Conference from March 12-18, 2007. Commissioner Cooper met with people who lobby for continuing funding for the Economic Development Association and Community Development Block Grant.

Commissioner Walker and Commissioner Smith attended National Association of Counties Legislative Conference in Washington D.C. March 1 thru March 7. Commissioner Walker participated on the Economic Development Steering Committee. Commissioner Smith participated on the Agricultural Steering Committee and sat in on some of the public lands portion of the conference. The conference provided the opportunity to network with county commissioners from across the country.

Commissioners Smith and Walker met with EIS team leaders from the Department of the Interior to discuss the EIS process undertaken by the Nevada BLM State Office and voiced their concerns. They also met with representatives from Senator Hatch and Senator Bennett’s Offices to discuss issues of importance to Millard County.

On March 12-13, Commissioners Smith and Walker attended a BLM Cooperating Agency meeting on the Southern Nevada Ground Water Development Project in Las Vegas. Mark Ward, Utah Counties Association, Senior Policy Advisor was also present. The hearings were attended by representatives from the Bureau of Indian Affairs, Bureau of Reclamation, US Fish and Wildlife Service, and the Juab County Commissioners, John Harja from the Department of Natural Resources, Harvey Gates from the Fillmore BLM Field Office, Gary Perea from White Pine County in Nevada, Jerald Anderson from Eskdale and many others. They were able to point out concerns with the purpose and needs portion on the EIS process and participated in the discussion of possible alternatives, including asking Southern Nevada to drop their support of the proposed project in Snake Valley.

Commissioner Walker authorized a golf pass for the Sportsmen for Fish and Wildlife fund

raising on March 30, 2007. This fits within county policy since they are a nonprofit organization and are registered with the state. They also contribute \$2,000 annually to Millard County's predator control program. A similar request was denied the Delta High softball team as they do not qualify according to county policy.

Commissioner Walker reported she received a request from an individual who plans to graze his cattle on land bordering county property. They wondered if the county would consider purchasing fencing for that portion. Based on Millard County's fencing in policy which states that the livestock owner is responsible for keeping livestock off private property, Commissioner Walker denied the request.

Commissioner Walker met with Delta City Mayor Gayle Bunker who said the money that Delta City owes to Millard County on the law enforcement contract has been sent in and the delay was caused by a misunderstanding between the city and county. Mayor Bunker also expressed his desire of a rental fee for the property located near the Delta City Cemetery where the Millard County Sheriff has a cell tower.

Commissioner Walker attended a meeting at the West Millard Senior Center in Delta. The senior board held a question and answer period and did an excellent job clearing up any misunderstandings from the seniors in attendance.

Commissioner Smith reported the Commissioners met with Reed Searle from Intermountain Power Agency ("IPA"), with a representative from Pacific Corp. and a representative from UAMPS. The third unit project is scheduled to begin in the spring of 2008. Millard County had submitted a draft proposal of a Conditional Use Permit, ("CUP") to IPA last fall. At the aforementioned meeting it is now requesting changes to the proposed county CUP. IPA postponed any further consideration of the CUP until last month. Attorney Richard Waddingham told Mr. Searle that he could get the draft to him around Wednesday or Thursday afternoon and there would be a cover letter with the draft stating that there could be some substantive changes made to the draft. There is no agreement until the Commissioners approve the CUP.

OTHER BUSINESS

Commissioner Smith announced that the bid for chemicals for the Millard County Road Department was awarded to Steve Regan Company. Its bid was not the lowest bid. However, the lowest bid was for a generic brand. The bids were:

Steve Regan Company	\$241.25
Intermountain Farmers	\$278.65
Oasis Seed	\$257.82
Ladd Hales	\$237.45 generic brand

Commissioner Smith said the bid for MagChloride will go to Hills Brothers. The bids were:

WRR Industries	\$68.33 @Ton
Hills Brothers	\$41.90 @ Ton

Dustbusters \$49.95 @ Ton

Commissioner Smith said the tire bids were all rejected. The current county purchasing policy says that if merchandise is over \$25,000 a bid is required and the tire bid is less than that. The bids were:

Steve's Tire	\$1,543.49
A&R Tire	\$1,487.21
Quality Tire	\$1,448.39

Millard County Road Supervisor Thayne Henrie will be given permission to seek three telephone bids during the year when tires are needed. The Commissioners recommended that he use the local businesses. Another option would be to use the state contract bid. Commissioner Cooper will meet with Steve Frampton of Steve's Tire about some issues that were brought up at the February 20, 2007 meeting.

Commissioner Smith reported that the Jones Road is in need of major repair work. The Commissioners need to make a decision on whether to put a base under the road or just to repair the road. If the road project is more than \$125,000 it has to be bid out, the county cannot do more than that on a single road. Part of the road is a safety hazard. One of the impacts of building the third unit of IPA would be additional use of this road. There have been weight restrictions put on the road in the past. The Commissioners will continue to discuss the issue and make a decision later.

The Commissioners said that combining the position of Millard County Planner and Millard County Building Inspector into one position is not working because of the workload. They will start the process of getting a job description ready to hire a new person.

Millard County Clerk Norma Brunson told the Commissioners that if the State is going to hold the February Presidential Primary Election, Millard County may do it in two centralized locations.

Commissioner Walker suggested a proposal to change the Millard County Facilities Use and Rental Policy. The proposal is to increase the monthly rental from \$20 to \$50 for covered stalls and from \$20 to \$30 for uncovered stalls. Add an additional \$5.00 a day after the first stall rental fee of \$24.00 with two bales of hay with a cap of \$50.00. Horse trainers using the indoor arena in Delta and Fillmore will pay \$50 a day and the training needs to be done by noon. Light keys are \$5.00 a month and if the key is not used then it will be canceled and the key rented to others. The changes will be written up in a Resolution by Attorney Waddingham and will be put on the next meeting's agenda.

Millard County Tourism met on March 14, 2007 and Larry Gehre was in attendance. Mr. Gehre is in charge of the Ride for Life ATV Poker Run, a fund raiser for the Huntsman Cancer Center. Last year \$2,250 was approved for the event through Millard County Tourism with \$1,500 of that money going to the purchase of tee-shirts for the first one hundred entrées. This year Mr. Gehre asked for \$3,650.00 to enable the purchase of tee-shirts for everyone in the event and pay for the advertising. The Commissioners discussed the request and decided to not fund the event this

year.

Attorney Richard Waddingham said he was going to sign the Certificate of Insurance for the West Millard Senior Citizens Center. He advised Commissioner Walker to talk with Tracy Young at the state about the contract and some of the stipulations that were checked on the document and about identifying and checking the appropriate boxes before mailing it back to the state.

Commissioner Smith reported that he received a letter from Emily Dean, Parent Advocate from the Family Support & Treatment Center notifying the Commissioners that they are offering a free parenting course available in Millard County called “Love, Limits and Latitude: A Thousand Small Moments of Parenting.”

A memo had been sent out from the Auditor’s Office as a reminder to those who receive money that “each officer shall deposit all public funds daily whenever practicable but not later than three days after receipt.” However, if the checks received total more than \$100 the county requires them to be deposited within one day.

DISCLOSURE STATEMENTS

A disclosure statement was turned in by Ann Ashby.

PUBLIC INPUT

Carolyn Walker and Elaine Keel came before the Commission to discuss some of their concerns in regards to issues at the ME Senior Center. They gave a report to the Commissioners. The duties of the three entities involved were clarified. The Senior Center Board makes decisions on programs, Millard County supplies the building and provides maintenance and some revenue, Six County is over the administrator and the cooks. Commissioner Walker said work to resolve many of the ladies’ concerns is being done.

WHERE UPON THE MEETING ADJOURNED

Commissioner Cooper made a motion to adjourn the meeting.

Commissioner Walker SECONDED the motion. The voting was unanimous and the meeting adjourned at 3:52 p.m..

Attest: _____

Approved: _____

