

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 2nd DAY OF OCTOBER 2007
AT THE COURTHOUSE, FILLMORE, UTAH

PRESENT: Daron P. Smith Chairman
Kathy Y. Walker. Commissioner

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

John C. Cooper. Excused

ALSO PRESENT: Dixie Funk & Frank Funk. Citizens
Osten Rasmussen, Josh Camp, Katie Camp, Juan Jimenez & Natasha Stout. . . 4-H Teen Council
Connie Hansen. Millard County Recorder
David Christensen. Mayor Fillmore City
Lindsay Mitchell. Sheriff Office
Gary Hone. East Millard Maintenance
Fred Johnson. Utah Division of Forestry, Fire, and State Lands
Howard Allred Utah Division of Forestry, Fire and State Lands, Fire Warden

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 months of October and November 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 Smith offered on opening prayer. Everyone stood and said the Pledge of Allegiance to the Flag.

FOLLOW UP ACTION ITEMS FROM MINUTES OF SEPTEMBER 27, 2007

There were none.

APPROVAL OF THE AMENDED MINUTES OF THE PUBLIC HEARING AND SPECIAL COMMISSION MEETING OF SEPTEMBER 27, 2007

Commissioner Walker made a motion to approve the amended minutes of the public hearing and special Commission meeting held on September 27, 2007.

Commissioner Smith stepped from the chair and 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 28, 2007 to review and sign. They were also given the Payroll Reports of September 28, 2007.

Notification that the Central Utah Counseling Center will be holding its entrance interview for its audit on Thursday, October 18 at 10:00 a.m. was announced by Auditor Grace.

Auditor Grace said a request has been made by Paulette Staples at the Sheriff Office for a purchasing card for David Carter and Michael Winget in the amount of \$1,500. The Commissioners approved the purchasing cards to be issued for the law enforcement officers.

Lisa Crosland from Fillmore City had reported that several applicants for the county custodial positions had requested an approval letter from Fillmore City stating that they qualify for a business license. The Commissioners authorized the Auditor to allow the applicants offered the position(s) ten (10) days to get their business license and bond in place.

Auditor Grace said a hardship abatement has come in from Delma Jean Galli for a property tax abatement. Because of a recent sale of property she did not qualify for a circuit breaker this year. Her situation was discussed and based on the information provided the request was denied. If additional information is provided the request will be reconsidered.

USU EXTENSION 4-H TEEN COUNCIL, BAKE AND TAKE WEEK

Katie and Josh Camp, Osten Rasmussen, Juan Jimenez and Natasha Stout, members of the 4-H Teen Council gave each member of the Commission a nice gift bag filled with home-baked goodies as a token of thanks for the support given to them by the Commissioners this year. Katie Camp reported that their group has been very busy helping with projects for various organizations including the Lions Club Spook Alley, the Easter Celebration, and the Old Capital Arts Festivals. They have made several quilts for the women's shelter. They participated in state events and have placed in many contests. They have had a member in the State Ambassador group for the past two years. Six of the twenty teen leaders at the state meet were from Millard County.

AMBULANCE ABATEMENT, LINDSAY MITCHELL, MILLARD COUNTY SHERIFF OFFICE

Lindsay Mitchell, Millard County Sheriff Office, came before the Commission with a request for an ambulance abatement by Mary Beyonca for her daughter Larios Beyonca. The amount of the ambulance bill is \$709.08. Her gross monthly income is \$1,636.60. She has \$50.00 in checking and savings. Her monthly expenses are \$1,026.00 with a total debt of \$1,795.00, including the ambulance bill. Her only asset is a car worth \$1,200. She lists the child and a husband as dependents.

Commissioner Walker made a motion to abate the ambulance bill 30 percent based on the tax return, number of dependents and the billing. The total due will be \$496.35.

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

RATIFY THE APPROVAL OF A COMPUTER ACCESS AGREEMENT WITH FIRST AMERICAN TITLE COMPANY AND MILLARD COUNTY

Commissioner Walker made a motion to make an amendment to the computer access agreement with First American Title Company and extend the effective date out three months to December 31, 2007. The changes will be made to the contract.

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

RATIFY THE APPROVAL OF AN AGREEMENT WITH US FOREST SERVICE AND MILLARD COUNTY FOR ROAD MAINTENANCE AND MAGCHLORIDE

Commissioner Walker made a motion to ratify the approval of an agreement with the U.S. Forest Service and Millard County for Road Maintenance and MagChloride.

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

MILLARD COUNTY CLERK NORMA BRUNSON-DISCUSSION OF VOTER'S POLLING PLACES FOR WESTERN STATES PRESIDENTIAL PRIMARY

Clerk Norma Brunson presented two options to the Commissioners for consideration regarding polling locations for the February Western States Presidential Primary ("WSPP"). She suggested they choose one of the two options:

- Have polling places in the two precincts in Delta and the two precincts in Fillmore and have all other precincts with less than 500 registered voters voting by mail.
- Have everyone vote in either one of the two central locations in Fillmore and Delta.

Commissioner Walker made a motion that for the February 5, 2008 Western States Presidential Primary Election the polling places will be set up in Fillmore and Delta and all other precincts will vote by mail. This motion is based on the fact that the WSPP was not anticipated nor was it budgeted for by Millard County. The money given to the county by the State of Utah for this

election will be used to cover the mailing expenses.

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

Commissioner Walker said she had been asked by Delta City Mayor Bunker if the amount the cities had budgeted for both the Primary and the General Election would be adjusted because the city did not hold a primary election. Clerk Norma Brunson said it was her understanding that whatever reported amount the towns and cities had given to the Lt. Governor's Office as its election expense would be given to the county. Attorney Waddingham will have the contract for each city and town ready to be mailed out this week.

PUBLIC HEARING TO RECEIVE PUBLIC COMMENT ON A PROPOSED ZONE CHANGE FROM RF (RANGE AND FOREST) TO LI (LIGHT INDUSTRIAL) FOR A 132-UNIT SELF STORAGE FACILITY WITH ADDITIONAL BOAT AND RV STORAGE AREA WITH FUTURE EXPANSION TO 500 UNITS ON LOTS 5 & 6 BRIGHAM MEADOWS I, MINI SUBDIVISION (NONPLAT SUBDIVISION) LOCATED AT 1842 SOUTH FRONTAGE ROAD WEST, FILLMORE, UTAH AND INCLUDES TWO PARCELS WITH A TOTAL OF 10 ACRES.

Commissioner Walker made a motion to enter into a public hearing to receive public comment on a proposed zone change from RF (Range and Forest) to LI (Light Industrial).

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

Present were Frank and Dixie Funk, Fillmore City Mayor David Christensen, Fred Johnson and Howard Allred.

Commissioner Smith called the hearing to order at 11:00 a.m.. He excused Millard County Planner Gary Walker. Mr. Walker had provided a map and paper work on the proposal zone change. Commissioner Smith explained that the proposed zone change was applied for by Jim Fellows for the creation of a self storage unit complex. The application has gone through the Millard County Planning and Zoning process and they recommend that the zone change be approved by the Commission. The proposed zone change from RF (Range and Forest) to LI (Light Industrial) for a 132-unit self storage facility with additional boat and RV storage area with future expansion to 500 units on lots 5 & 6 of the Brigham Meadows I, Mini Subdivision (Nonplat Subdivision) located at 1842 South Frontage Road West, Fillmore, Utah and includes two parcels with a total of 10 acres.

Frank Funk asked if there will be any expense to the county?

Commissioner Smith said that there is already an existing county road and the application has been approved by Millard County Road Supervisor Thayne Henrie.

Commissioner Walker made a motion to go out of the closed session.

Commissioner Smith stepped from the chair and SECONDED the motion. The voting was unanimous and the motion carried. The hearing ended at 11:10 a.m..

Attorney Waddingham said he will prepare an Ordinance for the zone change.

BID OPENINGS FOR CUSTODIAL SERVICES AT THE MILLARD COUNTY PUBLIC SAFETY COMPLEX, THE MILLARD COUNTY COURTHOUSE AND THE PUBLIC RESTROOMS AT RECREATION FACILITIES IN FILLMORE

The bids will be opened on October 16, 2007.

BETTY WESTERN, MILLARD COUNTY FAIR CHAIRPERSON, DISCUSSION ON MILLARD COUNTY FAIR

Betty Western, Millard County Fair Chairperson said everyone seemed to have a great time at the 2007 Millard County Fair with the theme "Blast thru the Past." She said she appreciated the opportunity to serve as the fair director and looks forward to next year's fair. Highlights of the 2007 fair are:

- **Entertainment**
 1. Jason Mystic-Hypnotist
 2. Jean's Golden Girls
 3. Clogging Grandmothers
 4. Timothy Riggs- Magician
 5. Kerry Christensen-Musician
 6. Charley Jenkins Concert
 7. Toru Saito-Topaz Internee
 8. 23rd Army Band Quintet
 9. Bull Riding
 10. Fireworks
 11. Outdoor Movie
 12. Tractor Pulls
 13. Local Entertainment
- **Advertisement**
 1. Radio
 2. Newspaper
 3. Fair Rule Book-In Paper
 4. Fair Promotion Book-In Paper
 5. Fair Banners
 6. Newspaper Ad in Ely Times
- **Exhibits Entries**

Special Exhibits
Photography, Visual Arts
Home Arts, Arts & Crafts & Garden & 4-H & Horse Show
- **Sponsors**
 1. Hinckley Lion's Club
 2. Graymont
 3. Delta Egg Farm
 4. IPSC
 5. Delta Jubilee
 6. Quality
 7. Kern River

The youth and other volunteers were utilized.
- **Money Allocation**

1. Budget-\$40,905.00
 2. Total Expenses-\$52,000.00
 3. Entertainment-\$28,028.53 (\$12,000.00 over budget)
 4. Premium Money-\$823.00-4-H
\$2,152.25-Contests
 5. Contests-\$500=\$4,000 paid out
 6. Total Revenue (Income)-\$17,253.00)
 7. Concert-Free
 8. Dinner-\$3,000 approximately
 9. Bull Riding-(\$6,000)
 10. Commercial Booths-12@\$50=\$600
- Next year theme will be **“There’s Magic in the Air at the Millard County Fair”**

Chris Blake was honored for her years service to the fair board. The Commissioners thanked Betty Western for a great fair.

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

All the Commissioners attended USACCC Conference in Midway on September 19-21 for a very informative conference.

On September 24, 2007 all the Commissioners attended the Board of Equalization.

On September 26, 2007, Commissioner Walker spoke to the Fillmore Chamber of Commerce. Later that evening Commissioner Walker and Treasurer Hansen met with the Delta Oasis Cemetery Committee and discussed next year’s budget.

On September 26, 2007 at 6:00 p.m. in Fillmore, Commissioner Smith, Commissioner Cooper, County Attorney Richard Waddingham and Clerk Norma Brunson represented Millard County at the public hearing on the 1/4 of 1 percent sales and use tax. There were twenty-one people attending the hearing.

On September 27, Commissioner Smith, Commissioner Walker, Attorney Richard Waddingham, Mayor Gayle Bunker and Reporter Dean Draper were the only persons in attended the public hearing on the 1/4 of 1 percent sales and use tax increase. At a special Commission meeting held at noon that same day in Delta, an Ordinance of the Millard County Commission enacting the optional sales and use tax as authorized by Title 59, Chapter 12, Part 11, Utah Code Annotated (1953), as amended, was voted on and passed. It will be effective January 1, 2008.

On October 1, 2007, Commissioner Walker, Deb Haveron, and Linda Gillmor went to Torrey Utah and visited with Nan Anderson, Director of the Utah Travel Council. They discussed the counties’ tourism marketing plan for 2008

Commissioner Smith attended the Wellness Committee Meeting on September 24, 2007 at 10:00 a.m.. They went over the committee’s bylaws. They will be conducting an interest survey for determining what is important to each employee and their families. Notices were attached to

employees' pay stubs. Everyone is encouraged to participate in the survey.

Commissioner Walker and Commissioner Cooper attended a meeting with UPC Wind on September 27, 2008.

Commissioner Cooper met with representatives from the Central Utah Water Conservancy District on September 26, 2007.

Commissioner Cooper also attended a hearing in Salt Lake City with the State Tax Commission regarding UPC Wind's petition to change Rule 62. He will give a full report at the next meeting.

OTHER BUSINESS

Fred Johnson said a little over a month ago he had brought in a proposed agreement and presented it to the Commissioners. The agreement had been reviewed and changes were made and have been approved by both Fred Johnson and Howard Allred at the Utah Division of Forestry, Fire and State Lands. Attorney Richard Waddingham also reviewed and made changes to the agreement.

Commissioner Walker made a motion to approve the participating agreement between the Utah Division of Forestry, Fire, and State Lands and Millard County.

Commissioner Smith stepped from the Chair and SECONDED the motion. The voting was unanimous and the motion carried. The motion will be ratified at the next Commission meeting.

PUBLIC INPUT

Fillmore City Mayor David Christensen asked if the sales tax increase had to be voted on at the next election? Attorney Waddingham said it was his understanding that an election would not be necessary. Nevertheless, the law does make provision for a referendum election.

Mayor Christensen asked if the entire amount of money the cities will be paying the county for the general election will include an adjustment for the primary elections that were not held in most communities.

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

Commissioner Walker made a motion to go into a closed executive session to discuss potential litigation.

Commissioner Smith stepped from the chair and SECONDED the motion. The voting was unanimous and the motion carried. The session ended at 11:50 a.m..

WHERE UPON THE MEETING ADJOURNED

Commissioner Walker made a motion to adjourn the meeting.

Commissioner Smith stepped from the chair and SECONDED the motion. The voting was unanimous and the meeting adjourned at 11:51 a.m..

BUDGET MEETING HELD AT 2:00 P.M.

Attest: _____

Approved: _____