

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 16th DAY OF OCTOBER 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

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 asked if anyone had an opening statement to give? Commissioner Cooper expressed his thanks to the soldiers from Millard County and elsewhere who are serving in Iraq and said our thoughts and prayers are with them. There are a number of soldiers who have recently returned from active duty and the Commissioners will be planning a ceremony to honor them for their service. Commissioner Cooper then said the invocation. Everyone stood and said the Pledge of Allegiance to the Flag.

FOLLOW UP ACTION ITEMS FROM MINUTES OF SEPTEMBER 18 AND OCTOBER 2, 2007

There were none.

APPROVAL OF THE AMENDED MINUTES OF SEPTEMBER 18 AND OCTOBER 2, 2007

Commissioner Walker made a motion to approve the amended minutes of September 18, 2007.

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

carried.

Commissioner Walker made a motion to approve the amended minutes of October 2, 2007.

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

AUDITORS REPORT

Auditor Grace said the Check Edit Report of October 5, 2007 had been signed and approved by the Commissioners. The Check Edit Report and the Payroll Report of October 12 were given to each Commissioner to review and sign.

Auditor Grace said in reviewing the Check Outstanding Report they found three checks from 2006 that were still not processed. After ninety days they had been sent a letter and the county has not received a response from them. Auditor Grace recommended that the following checks be written off: Greg Constantino - \$8.50, Tom Huffer - \$25.00 and Darlene Scott - \$22.58.

Commissioner Cooper made a motion to write off the outstanding checks for Greg Constantino, Tom Huffer and Darlene Scott.

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

The invoice for the 2008 National Association of Counties, ("NACO") dues in the amount of \$400.00 has been received.

Commissioner Walker made a motion to pay the 2008 NACO dues in the amount of \$400.00.

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

Auditor Grace received a property tax abatement request from Diane Durbin and the Commissioners reviewed the application.

Commissioner Walker made a motion to approve a 25 percent abatement on Diane Durbin's property tax based on her income and the number of dependants in the household.

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

An application for a circuit breaker was received from Bertha Jacobson who lives in a home with her brother. In the past she has qualified for a circuit breaker but her brother's income put her over the limit. She owns 80 percent of the property with serial number O-1424-1. Her brother does not pay rent nor does he pay on the property taxes.

Commissioner Cooper made a motion to approve an 80 percent abatement on Bertha Jacobson's property taxes. The serial number is O-1424-1.

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

Auditor Grace reported that Rex Stanworth did not receive his property tax notices because of a computer problem in the Recorder's Office. He had sold a portion of one of his properties last spring and all of Mr. Stanworth's tax notices had gone to the new owner. Mr. Stanworth has made a request for Millard County to open up a Board of Equalization, ("BOE") to review his case. The Commissioners set the date of October 23, at 11:00 at the Delta Offices to hear Mr. Stanworth's concerns. After the BOE review, the Commissioners are meeting with Reed Searle who will be introducing the new General Manager of IPA.

The Commissioners will write a letter to Deanna DeGraffenried Whitaker in regards to her issues about discontinued private lessons at the East Millard Swimming Pool.

Commissioner Smith said he had an invoice from the Millard County Road Department. They requested that money be transferred from the long term county road construction fund to pay the balance of \$74, 554.00 for the overlay project on the Jones Road. The road department has no extra money in their budget for the balance due after the Special Service District Number 8 pays its portion of the project costs. The Commissioners agreed to authorize the transfer funds from the long term county road construction fund and some unused money from the Capital Project Budget that had been set aside for sprinklers at the canopy. The Jones Road is one of the most important roads in the county. The road is being painted today and tomorrow. The weight restriction will remain on this road.

KEN BROWN, WESTERN COUNTIES ALLIANCE UPDATE

Mark Walsh and Ken Brown were at the meeting representing Western Counties Alliance, ("WCA"). Mr. Walsh expressed their appreciation to Millard County for their involvement with the organization and invited the county to unite again with the WCA. He gave updates on:

- Payment in Lieu of Taxes ("PILT") funding (This may be the year for full funding)
- WCA had an opportunity to work with Nevada counties who suffered wildland fires and other natural disasters within their borders. Because of this involvement, a large number of the counties have joined or will join WSA, including their state organization.
- WCA was able to work closely with Senator Reid on the Farm Service Agency disaster relief programs, on PILT funds and with the re-authorization of the secure rural school program. WSA was asked for some language to amend the secure rural school program to include the economic factor.
- This suggested language has been incorporated to HR30-58 which has now passed in the House and will go to the Senate.
- Under the new formula there will be more money allocated to counties who had not qualified in the past. In Utah, there were twelve¹² counties and this number will be increased to twenty. So instead of splitting 1.9 million, they will split 18 million.
- The Commissioners were given printed information regarding the new formula and other information.

RATIFY THE APPROVAL OF A PARTICIPATING AGREEMENT BETWEEN THE UTAH DIVISION OF FORESTRY, FIRE, AND STATE LANDS AND MILLARD COUNTY

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

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

POSSIBLE RENEWAL OF THE RURAL PUBLIC LANDS COUNTY COUNCIL (“RPLCC”) CONTRACT

Commissioner Smith explained that the Rural Public Lands County Council is a group of public land counties that have formed an organization within the State of Utah to work on public land issues. There is an employee who lives in Washington, D.C. and who lobbies for counties on land issues with PILT funding.

Commissioner Walker made a motion to renew the contract with the Rural Public Lands County Council with lobbyist Robert Weidner.

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

REQUEST FOR COMMISSION WAIVER BY CRAIG E. NIELSON FOR THE FRIENDS OF NRA FUND RAISER BANQUET AT THE MILLARD COUNTY FAIR BUILDING

The Commissioners reviewed a Request for Commission Waiver by Craig E. Nielson in behalf of the Friends of NRA for their fund raiser banquet.

Commissioner Walker made a motion stating that based on current county policy there is not a direct benefit to the county and therefore they do not qualify for the fees to be waived.

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

A request from Steve Regan came for use of the county fair building. The request was tabled until more information is provided.

REVIEW AND POSSIBLE APPROVAL OF ORDINANCE NO. 07-10-16, AN ORDINANCE OF MILLARD COUNTY, UTAH TO AMEND THE ZONING MAP OF MILLARD COUNTY, BY RECLASSIFYING A PORTION OF THE UNINCORPORATED AREA HERETOFORE CLASSIFIED AS RF (RANGE AND FOREST) TO LI (LIGHT INDUSTRIAL)

Commissioner Walker made a motion to approve Ordinance No. 07-10-16, an Ordinance of Millard County, Utah to amend the zoning map of Millard County, by reclassifying a portion of the unincorporated area heretofore classified as RF (Range and Forest) to LI (Light Industrial).

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

The voting was unanimous and the motion carried.

PUBLIC HEARING FOR THE PURPOSE OF RECEIVING PUBLIC COMMENT ON A ZONE CHANGE FROM RF (RANGE AND FOREST) TO RESIDENTIAL PURSUANT TO AN APPLICATION FROM VELDON J. BENNETT FOR PROPERTY LOCATED AT THE NORTHWEST BORDER OF MEADOW TOWN, OR MORE PARTICULARLY DESCRIBED AS: BEGINNING AT THE NE CORNER SECTION 21, T22S, R5W, SLB&M, W 10.5 CHAINS, S 11 CHAINS, E 10.5 CHAINS, N 11 CHAINS TO BEGINNING. LESS 1.26 ACRES TO STATE ROAD, LESS A PORTION (.32 ACRES) ON E SECTION LINE LYING IN MEADOW ANNEXATION PLAT C. 9.47 ACRES.

Commissioner Cooper made a motion to go into a public hearing to receive comment.

Commissioner Walker SECONDED the motion. The voting was unanimous and the motion carried. The meeting began at 11:00 a.m.

Millard County Planner Gary Walker was excused from the meeting. He had provided a map of the proposed zoning change. The application had gone through planning and zoning and the board recommended that the zone be changed as requested. The area around Meadow Town is zoned RF 20.

Jim Talbot, Mayor of Meadow Town said in reviewing the map, both Gary Walker and he were surprised that the property was in Range and Forest and felt it was an oversight. The town is in favor of the zone change.

Attorney Waddingham said that the Planning and Zoning Commission should look at all the property around the towns' borders to determine if there should be zone changes.

Commissioner Smith said the county's general plan encourages growth around the communities and the change would encourage conformity with the plan. Some land throughout the county is not in alignment with the general plan.

Commissioner Cooper said that the land around the cities and towns need to be looked at to see how it is zoned. If changes are needed to be made they should be recommended by the towns.

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

Commissioner Walker SECONDED the motion. The voting was unanimous and the motion carried. The hearing ended at 11:10 a.m..

REVIEW AND POSSIBLE APPROVAL OF ORDINANCE NO. 07-10-16A, AN ORDINANCE OF MILLARD COUNTY, UTAH TO AMEND THE ZONING MAP OF MILLARD COUNTY, BY RECLASSIFYING A PORTION OF THE UNINCORPORATED AREA HERETOFORE CLASSIFIED AS RF (RANGE AND FOREST) TO RESIDENTIAL

Commissioner Cooper made a motion to approve the Ordinance No. 07-10-16A, An ordinance

of Millard County, Utah to amend the zoning map of Millard County, by reclassifying a portion of the unincorporated area heretofore classified as RF (Range and Forest) to Residential.

Commissioner Walker SECONDED the motion. Clerk Norma Brunson called for a roll call vote. Commissioner Cooper. YES. Commissioner Walker. YES. Commissioner Smith. YES. The voting was unanimous and the motion carried. The concerned parties will need to go to the next planning and zoning meeting on November 7, 2007 to get the process going on a non plat subdivision.

OPENING OF BIDS FOR CUSTODIAL SERVICES AT THE MILLARD COUNTY PUBLIC SAFETY COMPLEX, THE MILLARD COUNTY COURTHOUSE AND THE PUBLIC RESTROOMS AT RECREATION FACILITIES IN FILLMORE

The following bids were opened:

Public Safety Complex

Vance Beckstead	\$1,575 @ month
Star Murray	\$1,694 @ month
Jody Bond	\$1,640 @ month
Bruce Giles	\$1,744 @ month

Courthouse

Dixie Funk	\$880 @ month
Tamera Lane	\$880 @ month
Vance Beckstead	\$895 @ month
Star Murray	\$850 @ month
Valerie Shepherd	\$850 @ month

Recreation Facilities

Tamera Lane	\$250 @ month
Vance Beckstead	\$249 @ month
Jodie Jones	\$250 @ month

Commissioner Walker made a motion to review all the bids prior to granting the final bid.

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

BRUCE COSTA, CENTRAL UTAH PUBLIC HEALTH DEPARTMENT (“CUPHD”) UPDATE

Bruce Costa, Central Utah Health Department, said this is a courtesy visit to answer any questions the Commissioners may have about CUPHD. He reported that the State Health Department is doing a followup of the arsenic study that was done by EPA. He gave the Commissioners copies of newsletters.

ED ZMITRAVICH, UPDATE ON CRICKET ISSUES

Ed Zmitravich came before the Commissioners with an update of a cricket meeting he had

attended on October 4, 2007 in Salt Lake City, Utah.

- The status of the Mormon cricket problem in Utah for 2007 mimics the 2006 report.
- There is still a Mormon Cricket problem in Box Elder, Daggett and Uintah Counties
- Funding in the future may be used for grasshopper control
- Research on fungus and mold is being done
- Testing is being done on different types of chemical and biological techniques

Mr. Zmitravich was thanked for keeping the Commissioners updated on the cricket situation in the county.

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

Commissioner Cooper, Mark Ward, and Dean Draper attended the meeting to talk about water issues with concerned citizens in the Snake Valley. They took a guided tour of the Cottonwood Canyon along the Milford Highway and saw some very unique Anasazi Indian writings.

He reported that the cloud of dust going from the Milford Flat Fire area is affecting all of us.

A re-seeding project needs to be put in place. After the grass is established, a grazing program should be implemented.

Commissioner Cooper attended the Central Utah Public Health Department meeting in Richfield. Some of the members are wanting the CUPHD board to come out with a political statement against the power plant in Sevier County. Commissioner Cooper took opposition to this idea. The Department of Environmental Quality, ("DEQ") has already given the power plant an air quality permit.

Commissioner Cooper attended some of the budget meetings. Commissioner Walker and Commissioner Smith met with the elected officials and department heads to discuss their upcoming budget needs on October 2, 3, and 4.

On October 10-15, Commissioner Walker attended the annual National Foundation of Women Legislators, which was extremely informative. She had the opportunity to network with legislators from throughout the United States.

Some of the highlights included:

Meeting with Nick Rahn, Vice President, Resource Development Environmental and Construction, PacificCorp Energy at PacifiCorp. Regarding Unit 3 at IPP, Mr. Rahn said they currently have a lawsuit underway and depending upon the outcome PacifiCorp may or may not recoup investment costs. If they lose then Millard County loses. There is a possibility at some point that they may pursue a natural gas unit since water and land are available at the current plant site. This may also depend upon the lawsuit.

The expansion of nuclear energy for electrical power was discussed by Phil Hildebrandi who is the consultant to the director of the Idaho National Laboratory. A site for the first nuclear plant built in 30 years will be chosen from four possible sites, which include Matton, Illinois; Tuscola, Illinois; Brazos, Texas; or Odessa, Texas.

The speakers discussed the nation's long-term energy needs and continued development of

nuclear, bio-energy, hydro power, and renewable and nonrenewable energy sources.

Pirated and counterfeit goods are on the rise and put our communities' health and safety at risk as well as stealing from legitimate business owners, putting Americans out of work and defrauding government with lost tax revenues. We're familiar with the counterfeit goods such as handbags and glasses. But many other everyday items including drugs are also counterfeit and have brand names. Antifreeze was found in toothpaste and cough syrup and is just one example. It's hard to identify these products, except for the bar code. Most counterfeit goods are from China or Mexico. Consumers should be concerned about purchases made outside the normal supply chains such as flea markets, dollar stores or the Internet.

Prescription drugs should be purchased from reliable pharmacies not imported drugs over the Internet. Your corner pharmacy guarantees safety while imported drugs are dangerous. The federal government passed "Stop Counterfeiting in Manufactured Goods Act," with legislation that demands counterfeiters are held accountable for their crimes, according to the International Anti-Counterfeiting Coalition.

Immigration is one of the most important domestic policy issues. There are approximately 12.5 million illegal immigrants in the United States, which is a population the size of Belgium. We don't know who they are, their background, criminal history or what diseases they carry. Forty percent of the illegals came legally on VISAs and when the VISA is expired, they remained here. Eighty percent of them are Hispanic and the problem will remain as long as employers continue to hire them. The only solution is putting pressure on federal legislators to address the issue.

U.S. Customs and Border protection is an agency within the Department of Homeland Security responsible for managing, controlling and securing our nation's borders. Commissioner Ralph Basham said the goal is security of the northern and southern borders without choking off legitimate trade and travel.

On the southern border the biggest threat is illegal immigrants, drugs and human trafficking. Along the Arizona border 150 miles of fencing has been completed. By the end of next year, 370 miles will be finished. The border patrol has tripled.

To date, terrorist threats have come from the northern border. Currently there are more than 8,000 documents that can be used to gain entry into the two countries. The agency is working with the Canadian government to beef up security, and require advance notice of all overseas cargo and passengers. They are working on the feasibility of screening and/or scanning containers at the point of origin.

Commissioner Walker met with one of the legislators from Nevada and tried to discuss the Snake Valley Water issues and the proposed UNEV Pipeline. Everyone in Nevada seems to be of the opinion Utah was excited to participate in the project.

Commissioner Smith attended the Planning and Zoning meeting on October 3, 2007.

A meeting was set up on Wednesday, October 17, through Senator Bennett's office with Brad Shaffer and Oak City Mayor Staheli to discuss the flooding problems in Oak City.

Commissioner Smith attended the GIS meeting earlier today. He reported the addressing should be done by the end of the year so the work on the E911 system for cell phones can begin. Also, FEMA will not resurvey what area of the county is in a flood plain until 2009. Recording with

the state of RS2477 road rights-of-way in Millard County is scheduled to be recorded in December. The GIS has been working on municipal election maps. The one foot resolution fly over data is now being used.

Commissioner Smith and Commissioner Cooper talked to Mark Ward yesterday about a telephonic conference call with the Bureau of Land Management on the social economic process scoping meetings they are going to have. They have requested the county supply names and addresses of people in the Snake Valley to be interviewed to tell how they would be impacted by pumping water from the proposed pipeline. There will be some local meetings held in addition to the conference calls.

All three Commissioners attended the Six County AOG meeting a month ago where they were told that a muscle has been discovered in Lake Mead that grows in the water and pollutes and shuts off the streams. It has clogged a lot of tributaries.

Clerk Norma Brunson expressed the need to have a computer technician in the county to help with elections. Currently Premier Election Solutions is finding technicians for the county to use six weeks prior to the election. Premier Election Solutions will continue finding technicians until the end of 2008. It would be good to get our own people trained now rather than at the last minute.

Attorney Richard Waddingham said that he has the non plat affidavit and certificate for Craig Greathouse ready to be signed by the Commission Chairperson and to be recorded. After it is recorded it will be on file with the Clerk's Office.

OTHER BUSINESS

Millard County Sheriff Dekker brought a contract before the Commissioners for the 4th District Court Bailiff and Security Services. The amount has been increased to \$14,000.00. Attorney Waddingham recommended to Sheriff Dekker to ask the state to delete "agents" and "volunteers" from the indemnification provision before the contract is signed.

Commissioner Walker made a motion to sign the court security and bailiff contract.

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

PUBLIC INPUT

There was none.

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

There was none.

WHERE UPON THE MEETING ADJOURNED

Commissioner Walker made a motion to adjourn the meeting.

Commissioner Cooper SECONDED the motion. The voting was unanimous and the meeting adjourned at 12:30 p.m..

Attest: _____

Approved: _____