

MINUTES OF BOARD OF COUNTY COMMISSIONERS  
MILLARD COUNTY THE 1<sup>ST</sup> DAY OF MAY 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: Chris Johnson, Jenny Christensen, and Bonnie Robinson-  
US Army Dugway Proving Ground

PURSUANT T 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 May 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 an opening prayer. Everyone stood and said the Pledge of Allegiance to the Flag.

FOLLOW UP ACTION ITEMS FROM MINUTES OF APRIL 17, 2007

There were none.

APPROVAL OF THE AMENDED MINUTES OF APRIL 17, 2007

Commissioner Cooper made a motion to approve the amended minutes of April 17, 2007. Commissioner Walker SECONDED. 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 reported that the Commissioners had been given the Check Edit Reports of April 23 and April 30, 2007 and the Payroll Reports of April 27, 2007 to review and approve.

Auditor Grace said that Todd Mullen, Sunset View Golf Pro, has requested a purchasing card for golf course expenditures.

Commissioner Walker made a motion to approve a purchasing card with a \$1,500 limit for Todd Mullen, the golf pro.

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

Auditor Grace said that the county had received an offer of \$1,100 for a 21+ acre parcel of property owned by the county which computes out to \$51.57 an acre. The Commissioners denied the offer because it was too low.

Auditor Grace said that two applications have been turned in for indigent abatements for the Commissioners' consideration.

Commissioner Cooper made a motion to approve a 50 percent rebate for Celeste Lisonbee as was done in the past.

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

Commissioner Walker made a motion to deny the request for Rita Logue based on her reported income.

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

Auditor Grace reported she is still waiting for a call from the Utah State Tax Commission to see how recent legislation would impact Millard County's sales and usage revenue. It has come to the county's attention that Millard County is .25 percent below the state's recommended rate. The state would like to see a uniform rate throughout the state and if the county does not raise the tax before July 1, 2007, the state will raise it up and keep the difference. Auditor Grace will continue to gather more information from the Utah State Tax Commission to help the county with this issue.

Commissioner Smith said the county received a refund from Utah Department of Transportation in the amount of \$22,972.61 from the Hwy 99 road project. The amount was almost the same as Millard County had put toward the project. The check will be deposited into the Special Project Fund.

REQUEST FOR FUNDS-LINDA EKINS "WOMEN IN MOTION" CONFERENCE

This item was rescheduled for May 15, 2007.

## PUBLIC INPUT

Chris Johnson, Jenny Christensen, Bonnie Robinson from the Dugway Proving Ground brought a presentation to Millard County about the JLENS Project. They explained that the United States (US) Army Dugway Ground (DPG) has a requirement to support testing of the Joint Land Attack Cruise Missile Defense Elevated Netted Sensors System (JLENS). The JLENS is being developed as an early warning sensor system to meet the threat of tactical enemy air attack systems, which fly at low altitudes to avoid detection by surfaced-based weapons systems. The JLENS utilizes a tethered early warning and surveillance sensor installed in a pair of aerostats (balloons), positioned at medium altitude, to provide over the horizon detection and tracking of aircraft, helicopters, Unmanned Aerial Vehicles (UAVs), and cruise missiles. Tethered to an altitude of 15,000 feet for extended periods, these aerostats provide radar, Electronic Support Measures (ESM), and communications systems. These systems permit wide-area surveillance and tracking for ground firing units. Ground firing units can be Patriot, Aegis Missile, Supersonic Low-Altitude Missile (SLAM) or Advanced Medium Range Air to Air Missile (AMRAAM). DPG has the lead in developing sites for set up of the JLENS and then testing the efficiency of this new technology.

## RATIFY THE COMMISSIONERS' DECISION TO DENY A REQUEST FOR A PROPERTY TAX ABATEMENT FOR NATHAN AND STACY COLES

Commissioner Walker made a motion to ratify the Commissioners' decision to deny a request for a property tax abatement for Nathan and Stacy Coles.

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

## DISCUSSION/APPROVAL TO RENT OUT COUNTY PERMITTED KITCHEN TO PRIVATE CATERS

Commissioner Walker said that the private caterers that do not have access to a state permitted kitchen in the Delta area would like to use the kitchen at the exhibit building.

Commissioner Walker made a motion to allow licensed caterers to use the kitchen in the exhibit building. A (refundable) \$200.00 deposit will be required to be paid as well as a \$50.00 rental fee for a four-hour period. The scheduling will be done on a first come first serve basis and when the rest of the building is not being used for another event. A resolution will be prepared by Attorney Waddingham that will be brought before the Commissioners for final approval.

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

## DISCUSSION/APPROVAL OF WAIVING PROPERTY TAXES FOR NATIONAL GUARD MEMBERS

The issue of waiving property taxes for activated National Guard Members was discussed again by the Commissioners, Attorney Waddingham, Treasurer Hansen, and Auditor Grace. Commissioner Walker had done some research on this subject and found a limited number of counties throughout the country had given a tax break to activated soldiers. Millard County will take no action right now. The county will continue to gather information to find out what they can legally do. The issue will be tabled until another date. Knox Huntsman from the American Legion Post #61 will be given an update of the issue.

#### DISCUSSION/APPROVAL ON MILLARD COUNTY HIRING POLICY

A discussion on Millard County's Hiring Policy was held and some modifications were suggested and agreed on by the Commissioners. The definition of an elected official and the definition of a department head were also discussed. Auditor Grace will type up the changes and they will be voted on and attached to the minutes of May 15, 2007. The hiring issue and the applicant pool will be discussed at the elected official meeting on May 15, 2007.

#### AUTHORIZATION AND EXECUTION OF DEED OF RECONVEYANCE FROM MILLARD COUNTY TO ASHMAN PIONEER MARKET

Attorney Waddingham reported he had prepared a Deed of Reconveyance from Millard County to Ashman Pioneer Market.

Commissioner Walker made a motion to authorize the execution of the Deed of Reconveyance from Millard County to Ashman Pioneer Market upon the closure and disbursal of funds by First American Title Company.

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

Commissioner Walker made a motion to break for lunch and to return at 12:20 p.m..

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

#### LUNCH BREAK

The meeting reconvened at 12:20 p.m.

#### OTHER BUSINESS

Commissioner Walker made a motion to sign the Interlocal Cooperative Agreement in the amount of \$2,000 Between Millard County, Utah and Utah State Parks and Recreation.

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

Commissioner Walker made a motion to set the date of June 5, 2007 at 11:15 a.m. for a public hearing to hear the Annual Report for the Millard County Drainage District Numbers One

thru Four.

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

Commissioner Cooper made a motion to sign the certificate for a non-plat subdivision for Jonathan M. Thatcher.

Commissioner Walker SECONDED the motion. The voting was unanimous and the motion carried. The document will be recorded in the Millard County Recorder's Office.

Commissioner Walker made a motion to enter into an interlocal agreement for building inspection services between Millard County and Kanosh Town.

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

#### CLOSED EXECUTIVE SESSION PURSUANT TO UTAH CODE ANNOTATED SECTION 52-4-4&5

Commissioner Cooper made a motion to go into a closed session to discuss personnel issues.

Commissioner Walker SECONDED the motion. The voting was unanimous and the motion carried. The closed session began at 1:25 and ended at 1:45 p.m..

Commissioner Cooper made a motion to reconvene the regular Commission meeting at 1:45 p.m..

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

Commissioner Cooper made a motion to approve the payroll changes discussed in the closed session for the road department, golf course maintenance and the Sheriff's Office.

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

#### PUBLIC INPUT

There was none.

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

Commissioner Cooper reported that the contest to determine the royalty for the Days of the Old West Rodeo for 2007 was held on April 19, 2007. The rodeo queen will be Kirbee Nielson, daughter of Kim and Alayna Nielson. First attendant Hayley Martin, daughter of Tresa Martin and second attendant is Chelsie Hughes, daughter of Rendon and Lorie Hughes. Jessica Tolbert, daughter of Bryce and Jennifer Tolbert was fourth runnerup. A saddle was given to the queen and a beautiful buckle and tiara for each of the new royalty was supplied by Intermountain Farmers

Association. A bouquet of roses was given to the royalty by On Sight Photo, Weddings and Flowers. Darryl Taylor gave each contestant a handmade white lead rope. The rodeo will be held on June 14, 15, and 16.

Commissioner Cooper reported they received a letter from the National Forest Service that enumerates the designations for the Wild and Scenic Rivers. He said that Corn Creek is still on the list to become a designated Wild and Scenic River and he is concerned about this fact. On May 15, 2007, a meeting will be held in Richfield, Utah.

Commissioner Walker reported on a meeting she had with Nancy Schmid about operations and current actions undertaken by the management at the Millard County Long Term Care Center and recommendations proposed by Intermountain Healthcare to Millard County Commissioners. November 2006, trend toward declining daily census at the Millard County Care Center noticed. No action taken at that time in hopes that daily census would increase.

January-April 2007, management used “called-off” hours for employees hoping that daily census would swing back to higher levels. Benefits for these employees remained intact.

May 2007, management will implement plan for “laying off” staff in several departments. This plan will reduce annual salary and benefit costs by approximately \$200,000.

**Question asked by Millard County Commissioners regarding Intermountain Healthcare being able to manage the Care Center with County employees: Intermountain Healthcare being able to manage the Care Center with County employees:** Intermountain Healthcare has checked on this possible alternative and Intermountain’s Legal department has indicated that this is not an option.

**Recommendations (from IHC) to Millard County Commissioners:**

- Redo Licensure with the State of Utah to have the Millard County Care Center licensed as the following :
  - 40 Long Term Care beds
  - 20 Assisted Living beds
- Licensing the building under this scenario has the potential to save Millard County An additional \$100,000 annually.

The county needs to understand that licensing Assisted Living beds will put the County in direct competition with private Assisted Living Centers in the county.
- Intermountain Fillmore Community Medical Center would be willing to cap the Current Long Term Care subsidy provided by Millard County to the Fillmore Facility based on the current census of 8 Long Term Care residents. This could result in an annual savings of around \$40,000 to the county as the subsidy to the Fillmore facility would be around \$100,000 annually.
- If the above recommendations do not meet the needs of Millard County, Intermountain Healthcare will cooperate fully as the County explores other options.

Commissioner Walker said that Linda Gillmor, Millard County Economic/Tourism Director is working with all of the county's private and public industrial parks to get them on a free nationwide website offered by EDC Utah. They are also working on revolving loan funds and targeted business loan funds. They have had two manufacturing companies interested in relocating to Millard County.

All three Commissioners attended the Association of Counties (UAC) Conference in Logan last week. Commissioner Smith reported that the Utah Behavioral Health Network, (UBHN) and the UAC merger was discussed at length at the conference. He reported that the Central Utah Mental Health Department will be receiving their share of the reimbursement for their dues paid to UBHN.

Commissioner Walker, Commissioner Cooper and Attorney Waddingham attended a meeting on Wednesday, April 25 with UPC Wind regarding the proposed Milford Wind Corridor. UPC Wind representatives and its Utah Tax Council, Beaver County Commissioner Chad Johnson, Beaver County Attorney and School District representatives were also present.

The Milford Wind Project is an approximate 400-megawatt wind farm that is being proposed in Beaver and Millard Counties. The location was chosen because of the Milford Valley constitutes a long, narrow wind exchange corridor between two large and distinct desert basins.

The Wind Project consists of two or more phases, and includes the construction of a 90-mile power transmission line and interconnection with IPP transmission line, which will traverse portions of Beaver and Millard County to carry wind-generated electricity together with an interconnection to IPP just northwest of Delta.

The first phase will be build in Beaver County, while some of the second phase turbines may be located in Millard County. The BLM will review the proposed project under the National Environmental Policy Act (NEPA), and will be open to public comments.

UPC Wind and its Utah Tax Counsel discussed their proposed petition to amend Tax Commission Rule 62, which excludes intangibles such as state and federal subsidies from property tax.

Commissioner Cooper reported that one applicant was interviewed for the FCS Extension Agent. Another applicant will be interviewed next week. If either one of the first two applicants doesn't work out then consideration will be given to two other applicants with bachelor degrees living in Millard County who are willing to earn a master's degree within the next three years if they are hired.

Commissioner Smith reported that he attended the Central Utah Mental Health (CUMH) meeting in Richfield on Wednesday, April 30 where the Central Utah Counseling Central internal audit was reviewed. The CUMH budget was approved budget as well as an 11 percent increase in the employees health care costs.

Commissioner Smith attended the Joint Highway Committee meeting in St. George where the funding mechanisms for transportation projects in the future, the future STIP list and the performance audit of UDOT project costs were discussed.

Last week the Commissioners met with the USDA Forest Service and discussed the county's concerns about the Division of Wildlife Resource's (DWR) plans to enact permanent and seasonal closure of roads on state ground. The Forest Service's budget cuts will not allow them to maintain all the roads in the campground areas that they have usually maintained.

Commissioner Smith reported a conversation that he had with Jerald Anderson and Mark Ward about sending a letter to the Nevada State Engineer to indicate that Millard County as a legal protestant desires to present a case in chief. The three Commissioners, Attorney Waddingham, Penny Woods and Mark Ward will hold a telephonic conference call on May 2 at 11:15 a.m..

Attorney Waddingham said that the date of the public hearing for adding the transportation map to the Millard County General Plan has been rescheduled to June 5, 2007 at 11:00 a.m. Commissioner Smith said the USDA Forest Service wants to add their transportation map to the county's map. The Millard County GIS Department will overlay the Forest Service map over Millard County's map.

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 2:00 p.m..

Attest: \_\_\_\_\_

Approved: \_\_\_\_\_