

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 18th DAY OF JULY 2007
AT THE COURTHOUSE, FILLMORE, UTAH

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

Richard Waddingham County Attorney
Janice Robins. Deputy County Clerk

EXCUSED: John C. Cooper. Commissioner
Norma Brunson 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 July and August 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 said the invocation. Everyone stood and said the Pledge of Allegiance to the Flag.

FOLLOW UP ACTION ITEMS FROM MINUTES OF JULY 3, 2007

Commissioner Smith explained that the Commission meeting date had been changed from July 17 to July 18 because Commissioner Cooper and Commissioner Smith had planned a trip to Washington D. C.. The NACO trip was canceled because of the Milford Flat Fire and the Commission meeting date had already been advertised in the paper for July 18.

Commissioner Walker reported the Commissioners and Traditions Health Care will begin negotiations regarding the Millard County Long Term Care Center on July 31.

APPROVAL OF THE AMENDED MINUTES OF JULY 3, 2007

Commissioner Walker made a motion to approve the amended minutes of July 3, 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.

The Commissioners had signed the Check Edit Reports of July 6 and July 13, 2007. The Commissioners were given the payroll reports of July 6, 2007.

Auditor Grace reported that the Intermountain Health Care ("IHC") June billing for long term care in Millard County was received. The amount for the swing beds at the Fillmore Medical Center was \$8,838.00 and at the Millard County Long Term Care Center was \$96,612.16. When the June invoice is paid, the account will be over budget \$182,502. The Commissioners will delay the payment until Attorney Waddingham reviews IHC's proposed budget.

Auditor Grace received three bids, for Millard County surplus property, from Glen Walberg in Eureka, Utah.

XLW1-126	1.14 acres	\$250.00	
HD3473-1-5	10 acres	\$1,500.00	(Previously Sold)
5615-A-2-1-2	10.19 acres	\$1,530.00	

Commissioner Walker made a motion to accept the bids from Glen Walberg on the properties with serial numbers XLW1-126 and 5615-A-2-1-2. The minimum bid requirements were met by Mr. Walberg's bids.

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

Auditor Grace gave Attorney Waddingham the information regarding the surplus property (HD 3473-1-5) recently purchased by LuAnn Nielson Chucci. He will prepare a Quit Claim Deed to transfer the title from Millard County to her trust and have it recorded in the Recorder's Office.

REVIEW AND POSSIBLE APPROVAL OF RESOLUTION 07-07-18, A RESOLUTION BY THE MILLARD COUNTY COMMISSION TO SET A FEE FOR USE OF THE OFF ROAD VEHICLE COURSE AT THE MILLARD COUNTY FAIRGROUNDS

This item was tabled until the next meeting.

DISCUSSION ON POSSIBLE AMENDMENT TO THE MILLARD COUNTY PURCHASING POLICY

This item was tabled until the next meeting.

POSSIBLE APPOINTMENT OF A TRUSTEE TO MILLARD COUNTY DRAINAGE DISTRICT NO. FOUR

Commissioner Walker made a motion to appoint Garth Lake as a Trustee to Millard County Drainage District No. Four.

Commissioner Smith stepped from the Chair and SECONDED the motion. The voting was unanimous and the motion carried. The order was signed and it will be on file in the Clerk's Office.

OTHER BUSINESS

Commissioner Walker said that the Miss Millard budget had not been increased to reflect the changes that had been made at the suggestion of the past director to not participate in the Miss Utah Pageant and increase the scholarship money the royalty received. However, there are not enough funds to cover the Miss Millard and the Little Miss Millard Pageants' necessary expenses. Tammy Bean, the new director, said there will be a \$2,500 shortfall. This is an emergency situation that the current director had no control over. The Commissioners discussed the problem of where to find the additional funding.

Commissioner Walker made a motion to transfer \$2,500 from Economic Promotions to the Miss Millard budget to cover expenses.

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

Lieutenant Forest Roper came before the Commissioners with several items of business. He said that:

- Adult Parol and Probation ("AP&P") will be hiring a new employee and additional office space will be needed to accommodate the employee.
- AP&P has submitted a proposed remodeling plan for its current office space. (The plan was reviewed by the Commissioners.)
- Safety issues need to be considered as part of the solution.
- East Maintenance has been contacted and they reported that the wall that was requested to be moved has fire alarms and wiring in it.
- Suggestions were made to place cubicles in AP&P's larger office and move the files to the copy room.

Lt. Roper said that the Sheriff's Department has been working on communication sites and they are still trying to get the wireless data coverage in the Scipio area. The grant balance is between \$80,000 and \$90,000 and it expires on September 30, 2007. The Sheriff's Office is in negotiations with the State for an MOU to make upgrades on the communication system. Plans are to have the small building used by Dee Hollingshead enlarged, the pole removed and a fifty-foot tower installed. To avoid a long signal delay in the TV system, they asked to have Mr. Hollingshead do the electrical work during the time the equipment is being moved. The Commissioners said according to county policy, the job will need to be bid out and Mr. Hollingshead could put a bid in for the project. The job will need to be advertised once a week for three weeks.

Lt. Roper said that the Master Street Address Guide is being worked on for the E911 System by Frontier. They are working to change the data format to fit the national format but they seem to be dragging their feet finishing the project. Because this is a public safety issue, the Millard County Sheriff and the Commissioners will write letters to Frontier to encourage them to finish up the project as soon as possible.

Treasurer John Hansen stated that he has been doing research regarding the issue of accepting gold or silver coins and gold or silver certificates as legal tender for payments made to the county. There have been several citizens in the past that have tried to pay their taxes with this type of currency and previously the county had not accepted it because the citizens had believed the coins had a greater value than the face value. (One of these citizen's property is up for the tax sale next year. The Commissioners authorized the fees and penalties to be waived for this individual because of the previous situation.) Gold and silver coins are considered legal tender by the US Treasury, Treasurer Hansen would like to propose that gold and silver coins and gold and silver certificates be accepted by the county offices as legal tender for all debts and public charges if the employee feels the coins or certificates are legitimate. He suggested a form be developed stating that the citizen offering the coin(s) or certificate(s) has been told the currency will be accepted for the face value only and it may be worth more. The citizen will sign the form, and if they refuse to sign, then two employees will sign as witnesses to the transaction. Attorney Waddingham will do some further research and create an appropriate form.

Jackie Nielson and Kristen Chase requested a Commission Waiver for Community First to use the Millard County Fair Building to hold its Annual School Clothing Drive on August 14, 2007.

Commissioner Walker made a motion to approve waiving the fees 50 percent, according to county policy, for use of the Millard County Fair Building for its Annual School Clothing Drive on August 14, 2007.

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

Commissioner Smith said he would contract the FFA Millard Eagle Chapter Teacher, Ben Hunter, to see how many panels are to be built and how many they already have finished and billed the county.

Commissioner Walker made a motion to approve Resolution No. 07-07-18A, A Resolution by the Millard County Commission Amending the Millard County Facility Use and Rental Policy Exceptions to the Fee Schedule by striking the language "or any other government entity."

Commissioner Smith stepped from the Chair and SECONDED the motion. Deputy Clerk Janice Robins called for a roll call vote. Commissioner Walker. YES. Commissioner Smith. YES. The voting was unanimous and the motion carried.

Attorney Waddingham gave the Commissioners the affidavit and certificate of the non-plat subdivision for the Ed and Pam DeGraffenried Family Trust to have recorded.

During Commission meeting a phone call came in from Commissioner Cooper who was in

Beaver for the fire report. He wanted to discuss the Milford Flat Fire rehabilitation and re-seeding plans with the other two Commissioners and County Attorney. The fire went over federal, state and private ground. The BLM and State are working together to determine the right mix of natural grasses and shrubs to re-seed the land to help lessen the fire danger in the future. In order to make the plan work all parties need to participate. Because of the vastness of the fire, the job of getting all the land owners notified for re-seeding would be a very lengthy process. The BLM will purchase the seed and re-seed the ground. The seed mix needs to be ordered by July 30, 2007. The Commissioners agreed to have a joint Declaration of Emergency written up with Beaver County stating that the counties have the right to take measures on private land to participate in the re-seeding project. Attorney Waddingham was asked to work with Von Christiansen from Beaver County to draft the Official Declaration of Emergency. The larger land owners will be contacted personally. A notice will be published in the newspaper about the rehabilitation project and who a private land owner should contact if there are objections to the re-seeding of their land.

Commissioner Walker said that a group would like permission to use 500 feet of land at the Millard County Fairgrounds to be used for organized 4x4 racing. The group will donate the labor and material to develop the track and will do the maintenance on the track. There will be no expense to the county. This will be the only 4x4 track in Utah. The Commissioners agreed to this proposal if Kevin Morris, West Millard Maintenance, will oversee the work on the track. Attorney Waddingham said that the group will need to purchase liability insurance naming the county as an additional insured party. Once charges are made by the county or a group using the property, the county loses its immunity. Commissioner Walker was going to check to see what other counties charge for similar users.

Gary Walker, Millard County Planner had submitted a copy of the Millard County Land Use Application Fee Schedule the Building Valuation Data and the Building Permit Fees for the Commissioners consideration.

Commissioner Walker made a motion to adopt Resolution No. 07-07-18B, A Resolution of the Millard County Commission Accepting the Millard County Land Use Application Fee Schedule.

Commissioner Smith stepped from the Chair and SECONDED the motion. A roll call vote was called by Deputy Clerk Janice Robins. Commissioner Walker. YES. Commissioner Smith. YES. The voting was unanimous and the motion carried. The motion will be ratified in the next meeting. A copy will be on file in the Clerk's Office.

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

Commissioner Smith reported that on July 6, 2007, the Millard County Commissioners declared an emergency disaster in the county based on the Milford Flat Fire. In order to be reimbursed from the Federal Emergency Management Agency ("FEMA") both the state and the county needed to make a declaration of emergency. Millard County is now eligible for reimbursement for the cost of the fire through FEMA. Millard County has documented its cost and the Auditors met with FEMA to learn how the reimbursement process works. The ranchers who lost

their rangeland are to contact the local Farm Service Agency as soon as possible to seek relief whether the losses were financial and/or rangeland. It may be possible to allow the grazing of CRP ground.

All the Commissioners attended the fire planning meeting in Cedar City, Utah on July 8 where the authority went from the interlocal fire agency to the Type 1 Team. The Type 1 Incident Commander is Rowdy Muir. On July 11, they met with the fire management teams. State, federal and congressional staffs were in attendance to discuss the plan of attack on the fire. Commissioners Cooper and Walker met with Governor Huntsman when the Governor attended the Milford Flat Fire briefing at Kanosh Town Park. The Kanosh Town Park was the incident Type 1 command post. The Commissioners attended the original meeting at the Sheriff's Office and the briefings in Kanosh regarding the Milford flat Fire.

The Milford Flat Fire is 100 percent contained as of July 16, 2007. It started July 6 by lightning, and consumed 363,052 acres. It was located west of I-15, north of Milford and south of Fillmore. Structures lost were one summer home and two out buildings. Two lives were lost due to fire-related conditions on I-15. All the county employees, firefighters and the Type 1 crew involved in controlling the fire were thanked for all their help in bringing the fire under control.

Commissioner Smith met with Shelly Teucher from UPC Wind Generation and discussed UPC Wind's concern over the way they are going to be taxed on their property.

Commissioner Walker spoke at the ME Bird Center to senior citizens in Delta regarding the option of exploring another provider at the Millard Care Center other than IHC.

All three Commissioners attended the Six County AOG meeting in Richfield. Director of Natural Resources Mike Styler and Department of Agriculture Commissioner Leonard Blackham were present to discuss local issues and concerns. On the way they toured the fire damage at Cove Fort.

Commissioner Cooper and Commissioner Walker met with Las Vegas Sun Reporter, Emily Green, who is writing a series of articles regarding the Southern Nevada Water Authority's ground water proposed project.

Commissioner Smith met with Gary Walker, Millard County Planner and toured the site that Brad Christensen had made an application for a building permit on. They visited with Developer Ronnie Day and his attorney about the regulations that needed to be complied with before a building permit could be issued. There are a number of issues that need to be resolved on that property.

PUBLIC INPUT

There was none.

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 personnel issues.

Commissioner Smith stepped from the Chair and SECONDED the motion. The voting was unanimous and the motion carried. The session began at 12:18 p.m..

The regular meeting reconvened at 12:36 p.m..

Commissioner Walker made a motion to approve the pay increase requested for the Economic Development Department.

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

Commissioner Walker made a motion to have Millard County enter into a lease agreement with Klint Atkinson of Hinckley. The lease agreement is for the west side of a billboard on the north side of the Highway 6 & 50 at mile post number 82.8. The agreement is for a ten-year period in the sum of one hundred dollars (\$100) a year. Millard County Tourism has had a verbal agreement with Mr. Atkinson to use the billboard and has a permit from UDOT.

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

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 12:45 p.m..

Attest: _____

Approved: _____