

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 7th DAY OF AUGUST 2007
AT THE COURTHOUSE, FILLMORE, UTAH

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

Norma Brunson County Clerk
Janice Robins. Deputy County Clerk

EXCUSED: Richard Waddingham County Attorney

ALSO PRESENT: Georgeann Dillard Fool Creek Irrigation Company
Robert Dekker Millard County Sheriff
Doris Rasmussen Pahvant Senior Center, Board President
Virginia Josse Pahvant Senior Center, Administrator

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 August and September 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 18, 2007

There were none.

APPROVAL OF THE AMENDED MINUTES OF JULY 18, 2007

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

Commissioner Cooper 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 authorized the Auditor to continue to hold the June IHC billing until the next meeting to give the Attorney Waddingham time to review the proposed IHC budget for the care center.

Auditor Grace reported the Commissioners had previously approved the Check Edit Reports of July 20 and July 27. She gave them the Check Edit Report of August 3, 2007 to review and sign. The Payroll Reports of July 20 and August 3, 2007 were also given to them to review.

DISCUSSION ON POSSIBLE AMENDMENT TO THE MILLARD COUNTY PURCHASING POLICY

The Commissioners said they will consider amending the Millard County Purchasing Policy to clarify the specific percentage amount allowed for the county offices/departments to purchase supplies from local vendors. The amendment should give the county elected officials/department heads guidance without making it mandatory. The discussion was tabled until the next meeting when Attorney Waddingham can be involved and help with the decision.

RATIFY THE APPROVAL OF 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."

Commissioner Walker made a motion to ratify the approval of 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." The Resolution will allow Commissioners to make decisions on a case by case basis.

Commissioner Cooper 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 motion carried.

RATIFY THE APPROVAL OF RESOLUTION NO. 07-07-18B, A RESOLUTION OF THE MILLARD COUNTY COMMISSION ACCEPTING THE MILLARD COUNTY LAND USE APPLICATION FEE SCHEDULE

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

Commissioner Cooper SECONDED the motion. Clerk Norma Brunson called for a roll call

vote on the motion. Commissioner Cooper. YES. Commissioner Walker. YES. Commissioner Smith. YES. The voting was unanimous and the motion carried.

REVIEW AND POSSIBLE APPROVAL OF RESOLUTION 07-08-07, A RESOLUTION BY THE MILLARD COUNTY COMMISSION TO SET A FEE FOR USE OF THE OFF ROAD VEHICLE COURSE AT THE MILLARD COUNTY FAIRGROUNDS

Commissioner Walker asked that this item be tabled until further notice.

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

Commissioner Cooper attended the Governor's Public Land Policy Advisory Board meeting on August 6, 2007. The advisory board is a confidential board that makes recommendations to Governor Huntsman on Public Land issues. The issue with the Constitutional Defense Council is not solved yet.

Commissioner Cooper attended the 2007 Kanosh Paiute Band's first annual Indian Pow Wow where eleven tribes were represented. Mildred Pikyavit was honored as the matriarch of the Kanosh Paiute Band and the descendants of Chief Kanosh that were in attendance were also honored.

Commissioner Cooper and Commissioner Smith attended the Millard County Planning and Zoning meeting. The upcoming ordinance changes and compliance problems were discussed.

Commissioner Cooper attended the Six County Association of Government, ("AOG") in Richfield, Utah. He attended an economic development meeting afterwards.

On August 2, 2007, Commissioner Smith toured the flood area in Oak City with Lars Rasmussen from the Fillmore NRCS Office and a representative from the State NRCS Office. Senator Bennett had asked the State NRCS representatives to look at the flood damage in an effort to help find funding for Oak City to build structures that can handle the water flow through town. Utah Conservation Initiative has funding on a priority basis and this situation is a high priority for Millard County. The structures held but are not large enough to handle flood waters and several homes near the structures were damaged. Oak Creek Canyon, the area around the circle and the road at the resort were closed. The water supply needs to be repaired. The Forest Service, the canal company and the county road department all did their part to help with the situation.

Commissioner Walker attended the Governor's Rural Partnership Board meeting on July 19, in Fillmore, which was hosted by Millard County Economic Director Linda Gillmor. The board member took part in a business tour prior to their board meeting. Commissioner Walker talked with Lt. Governor Gary Herbert regarding the decision not to build the Intermountain Power Unit 3 Project and possibly setting up a meeting between affected parties. Commissioner Cooper attended

the dinner meeting with the Board after the board meeting.

On July 20, Commissioner Walker and Commissioner Cooper attended the USACC Summer Conference in Richfield. Among the discussion items were highway funding, the Justice Courts takeover proposal, and disaster preparation.

All three Commissioners participated in a question and answer session with the Millard County Care Center (“MCCC”) employees on July 23. Jon Hoopes, IHC Vice President Regional Operations Officer, was also present to help address concerns in the event another provider is chosen to operate and manage the Millard County Care Center.

On July 24, 2007, Commissioner Walker and Commissioner Smith participated in the parade in Hinckley, Utah. Commissioner Walker also attended some of the festivities in Hinckley Town Park following the parade.

All three Commissioners took an unannounced tour of two facilities in St. George that are managed or owned by Traditions Health Care. They also visited the Iron County Nursing Home in Parowan, which is owned by Traditions Health Care.

On July 26, Commissioner Walker met with Oak City Mayor Mike Staheli following the flood in Oak City to discuss how the Millard County Road Department could be of further use in the cleanup and preventive measures. Oak Creek Canyon was closed to the public. Commissioner Walker toured the area and talked with some of the residents.

Commissioner Walker met with Nancy Schmid, MCCC Administrator, to obtain additional staffing and operational information. The Commissioners talked about her recommendation to license the MCCC as an Assisted Living facility.

On July 30, Commissioner Walker attended a Great Basin Museum meeting to discuss the building of a new museum on Delta’s Main Street. The main points of discussion were the funding issues and the membership of a proposed governing board.

All three Commissioners and County Attorney Richard Waddingham had an initial meeting with Bryan Erickson, CEO, and John Bramall, owner of Traditions Health Care. They had requested data and other information from MCCC Administrator Nancy Schmid in June, which had not been received. As a result, the majority of the meeting was an overview of Traditions Health Care facilities and organization rather than the specific services they may be able to offer. The remainder of the meeting Traditions Health Care representatives gathered information about the MCCC. Following the meeting, Commissioner Walker called Jon Hoopes, IHC Vice President Regional Operations Officer, with a summary of the meeting, in an effort to keep IHC apprised of the progress.

On August 1, Commissioner Walker attended a meeting in Nephi with representatives from the State Drivers License Division and the Public Safety Deputy Commissioner Ed Phillips. Delta City Mayor Gayle Bunker, Fillmore City Mayor David Christensen and Commissioner/ Mayor from

Juab County and Sanpete County were also present. The focus of the meeting was the Real ID Act, which was passed by Congress and signed into law in 2005.

The law basically calls for an electronically readable federally approved ID card for all Americans. The ID card will be required for people to travel by airplane, enter any federal building or enter nuclear facilities. The law gives the Department of Homeland Security the power to set the standards, which may include bank transactions, collecting Social Security payments or other government services. Foreign visitors must have a valid Visa.

Becoming “document compliant” for a U.S. citizen will require visiting a drivers license site and bringing a current driver license or photo ID, verification of a Social Security number from the Social Security Administration, a birth certificate, a certified copy of a marriage license and a current address. The name on each document must match.

Drivers License Division Offices will be condensed into regional sites, and must be housed in a secured building. Commissioner Walker proposed that Fillmore should be chosen as the regional site for Millard County and Beaver County since it is centrally located along I-15. Mayor Bunker and Mayor Christensen supported the recommendation.

The Drivers License Division site in Delta is currently open on Fridays and issues ninety-five (95) documents each month. In Fillmore, the site is open the first and third Wednesday of each month and thirty (30) documents are issued monthly.

The purpose of the Real ID ACT is to hinder terrorists and it follows the 9/11 Commission recommendations. The Real ID ACT required compliance by May 2008. However, an extension has been granted and all states must be in compliance by January 2, 2010.

If Utah doesn't comply, residents statewide will be required to have a passport to board any airplane or meet other set requirements.

On August 3, 2007, Commissioner Walker attended the Miss Millard County contestant dinner at the Millard County Recreation Building. The dinner was catered by Sharon Roper who donated half of the meal cost.

Commissioner Walker attended the second annual Little Miss Millard County Pageant which had thirteen contestants, who were darling and lots of fun. Katelyn Riding, daughter of Randy and Lesa Riding won the title and one hundred dollars (\$100.00) cash.

Commissioner Walker attended the judges dinner prior to the Miss Millard County Scholarship Pageant that evening. Bealyn Taylor of Delta won the Miss Millard crown. She's the daughter of David and Una Rae Taylor. First attendant was Kathleen Finlinson, daughter of Jerry and Ann Finlinson of Leamington. Tami Whatcott of Fillmore was named second attendant, and is the daughter of Tracy and Lori Whatcott. All of the contestants were amazing, talented, and beautiful young women.

The pageants are an excellent opportunity for the County to invest in Millard County's future.

Commissioner Walker gave copies of the reports for West Millard Maintenance, Sunset View Golf Course and Millard County Economic Development to Commissioner Smith and Commissioner Cooper for an update of those departments.

Commissioner Walker and Commissioner Assistant Sheryl Dekker had worked on an updated

version of the Millard County Reservation Fees and Deposits and the Request for Commission Waiver. (See exhibits A & B)

OTHER BUSINESS

Commissioner Walker made a motion to accept the Millard County Proclamation of Local State of Emergency.

Commissioner Cooper 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. A copy will be on file in the Clerk's Office.

Commissioner Cooper made motion to sign the Quit Claim Deed from Millard County to Luanne Nelson Chucci and Fred William Chucci, Trustees of the F & L CICHETTI FAMILY TRUST.

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

The Commissioners are considering forming a Millard County Wellness Council to generate ideas for programs to help the county employees have better physical and mental health. Utah Counties Insurance Program ("UCIP") has incentive insurance refund money that will be awarded to counties that participate in a wellness program. Employee's participation in Healthy Utah and other programs and safety and risk management training will give credit toward the insurance refund. The refund money should go back to employees for activities. Each department will be able to make suggestions to the council. Council meetings will be held every other month and the meeting location will be rotated between Fillmore and Delta. Employees serving on the council will be given time to attend the meetings.

Commissioner Smith said that Wade Tolbert, Central Utah Public Health Director reported that samples of e-coli and feces were taken out of the Fool Creek and Leamington water supply. The lock had been broken off of the well box and the water supply had been contaminated.

Georgeann Dillard, President of Fool Creek Irrigation Company said that they had reported the water supply contamination to the Millard County Sheriff's Office. The irrigation company has installed a chlorination device and they have sent out a boil order to all the residents. Water samples were sent to the state again last night and the irrigation company expects the results back in a few days.

Georgeann Dillard said that Lynn Wall, Wall Engineering, Fool Creek Irrigation Company and Leamington Town are working on a project to renovate the springs that is their drinking water source. The four mile long road going up to the springs is in very bad shape and will need some improvements made to make it passable for equipment to get to the springs to do the maintenance. An extensive plan costing \$90,000 to completely redo the springs had been approved, but after viewing the site, the project could be scaled back and only do renovation on the springs. A bid for \$70.00 an hour has been submitted by the county road department to do repairs to the road and Leamington will pay half the expense, but Fool Creek, not being an incorporated entity will need some help from the county. Possible ways to help the situation were discussed by the

Commissioners and Ms. Dillard as follows:

- The Forest Service will need to give their permission to fix the road.
- A Leamington Town fire truck will be available during the road maintenance for fire protection control.
- Commissioner Cooper will call Thayne Henrie, road department supervisor to get a cost estimate for the road maintenance project. Georgeann Dillard will accompany Thayne Henrie for an on site review of the road needing repairs.
- Need the amount of money Leamington is willing to pay towards the road maintenance.
- Place a camera down the springs to look for roots and other sources of contamination.
- Fool Creek Irrigation and Leamington Town will do repairs on the spring to prevent future problems.

Commissioner Cooper made a motion to authorize the use of the Millard County Road equipment to make the road to the springs passable for Fool Creek and Leamington to get their equipment up to the site to do renovation on the springs.

Commissioner Walker 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 a Closed Executive Session to discuss personnel issues.

Commissioner Cooper SECONDED the motion. The voting was unanimous and the motion carried. The meeting began at 11:32 a.m. and ended at 11:58 a.m..

Commissioner Walker made a motion to approve payroll changes for the Sunset Golf Course, the Millard County Sheriff's Office, the Millard County Tourism and the Millard County Landfill.

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

The regular Commission meeting reconvened.

Commissioner Smith said the county had been contacted by an individual that wanted to rent any extra water the county had on account. The county uses about 325 acre feet of water per year at the Sunset Golf Course. The Lyman Row Ball Park is watered out of Melville Irrigation Company's water and the Gunnison Bend Park area is watered several times a year with Abraham Irrigation water. After checking the history of the county's water usage, Commissioner Smith found that the water shares owned by the county in the Delta Canal Irrigation Company and the Abraham Irrigation Company balances out to what the county is using. Commissioner Smith said there is no excess county water to rent out to the public through a bid process.

Commissioner Smith talked to Reed Searle, Intermountain Power Agency ("IPA") General

Manager, who said that a lawsuit had been formally filed against IPA by Pacific Corp and Utah Associated Municipal Power Systems, (“UAMPS”) and they don’t know where the process will take them in regards to IPP Unit 3 at the Delta site. Pacific Corp and UAMPS are still pursuing the air quality permit appeal. Mr. Searle said Pacific Corp and UAMPS are still interested in pursuing a Conditional Use Permit (“CUP”) from Millard County. It is not an urgent matter, but they would like the process to continue in case the third unit does go ahead. In order for the county to continue to draft a CUP, IPA would need to fill out the application form and pay the fee.

PUBLIC INPUT

Doris Rasmussen and Virginia Josse representing the Pahvant Senior Center came before the Commissioners to get a clarification on what they could do with the money if they sold the bus that Millard County had paid 20 percent on. The center has a chance to purchase a new longer, wider bus that holds two wheel chairs, through a Utah Department of Transportation, (“UDOT”) program. The Commissioners agreed that the money from the sale of the bus could be retained by the senior center.

The Commissioners encouraged the senior center to use some of their money, from fund raisers, rentals, yard sales and any donations, to go toward the senior nutrition program. The program is short funded and additional money is needed. Money can be donated to Six County Association of Governments and have it designated for the Pahvant Senior Center Nutrition Program.

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 12:34 p.m..

LUNCH BREAK

MEETING WITH ELECTED OFFICIALS AND DEPARTMENT HEADS

Attest: _____

Approved: _____

Millard County Reservation Fees and Deposits Fair Grounds & Equipment

Facility	Rent or Fee	Profit	Non-Profit	Refundable Deposit	Comments
West Recreation Meeting Room	\$15 per hour			\$100	
East Millard Meeting Room	\$15 per hour			\$100	
Fair Exhibit Building	→→→→→→→→	\$150	\$100	\$500	Cleaning & Key
With Kitchen	→→→→→→→→	\$250	\$150		
Stage Rental	\$100				
Portable Sound System	\$25				
Outdoor Arena					
Individual	\$20 per five hour period				
Group	\$125 per day				
Sound	\$75 per day				
Special Event Light Key	\$9 per hour			\$25	
Concession	\$25 per day				
Indoor Arena					
Individual	\$20 per five hour period				
Group	\$75 per day				
Individual Light Key	\$5 minimum charge + \$7 per hour used			\$25	East Millard Arena is coin operated. Users need correct change
Special Event Light Key	\$7 per hour			\$25	
Sound	\$25 per day				
Concession	\$25 per day				
Roll the Arena	\$325				
Stall Rental - Covered	\$30 per month			\$30	
Uncovered (east side)	\$20 per month			\$30	\$20 includes one bale of shavings
Single day use	\$15 per day				Single day use applies to covered /uncovered w/shavings bale
Shavings	\$7 per bale				\$15 for first night + \$5 per night thereafter up to \$50
Corral Rental	\$20 per month + \$2 per head			\$100	
Tractor Rental	\$25 per event			\$100	Tractor Rental is for use on county facilities only
Livestock Panels	\$1.50 per panel - user set-up \$3.00 per panel - County set-up				Must be trained by Millard County Maintenance Personnel
Other Equipment (when removed from county facilities)					
Chairs	\$1 each				
Tables	\$2 each				
Small Panels	\$3 each				
Large Panels	\$5 each				
Bleachers	\$50 each				Use of ball parks bleachers is prohibited
Portable Sound System	\$25				
Dividers may not be removed from County Facilities					

**REQUEST FOR COMMISSION WAIVER
Non-Profit Entity Only**

The Board of Millard County Commissioners may waive up to **fifty percent (50%)** of the fees required to be paid by a nonprofit entity if the County receives fair and adequate consideration in return. Consideration paid to the County may be non monetary and include anything that, in the judgment of the Board of County Commissioners, contributes to the safety, health, prosperity, moral well-being, peace, order, comfort, or convenience of county inhabitants. A signed "Request for Commission Waiver" must be received by the Recreation Office at least one week prior to the event.

Applicant's Name _____

Mailing Address _____
Street and PO Box

City _____ State _____ ZIP _____ Phone _____

Name of Organization _____

Purpose of Event _____

Date and Time of Event _____

County Facility Needed _____

Request if hereby made for Waiver of:

- Rental Fees Other Equipment (please specify) Deposit

Signature of Applicant

Date

For Office Use Only	
<input type="checkbox"/> Percentage of fee approved _____ %	<input type="checkbox"/> Request Denied
MILLARD COUNTY COMMISSION	
_____ Signature of Commissioner	_____ Date

