

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 21st DAY OF AUGUST 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: Lisa Crosland. Fillmore City
Fred Johnson. Utah Forestry Fire and State Land
Claudene Franklin Citizen
Howard Allred. State Forestry Fire and State Land
Howard Bassett. Cemetery District
Dale Roper. Citizen
Tony Stanworth. Cemetery District
Kristine Stanworth. Oasis Cemetery Sexton
Doris and Grant Bennett Delta Cemetery

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 gave the opening prayer. Everyone stood and said the Pledge of Allegiance to the Flag.

FOLLOW UP ACTION ITEMS FROM MINUTES OF AUGUST 7, 2007

There were none.

APPROVAL OF THE AMENDED MINUTES OF AUGUST 7, 2007

Commissioner Walker made a motion to approve the amended minutes of August 7, 2007. Commissioner Cooper 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 gave the Commissioners the Check Edit Report of August 10 & 17, 2007 to review and sign. A copy of the Payroll Reports for August 7, 2007 was given to the Commissioners.

Commissioner Walker made a motion to approve the payment of the June 2007 IHC billing based on the county's current contract with IHC. The amount due for the Millard County Care Center is \$96,612.16 and the amount due for the Fillmore Hospital long term beds is \$9,184.90.

Commissioner Cooper SECONDED the motion. Commissioners Walker and Cooper voted Yes. Commissioner Smith voted - No. The motion carried.

Auditor Grace reported that \$6,119.75 is due on the Job Value Survey which is one fourth of the total amount of the survey. The Commissioners authorized the Auditor to make the payment.

Auditor Grace said the amount due for the Millard County Bookmobile for July through December is \$58,834.50. The Commissioners authorized the payment to be made.

Auditor Grace informed the Commissioners that Mikel Sharp would like to put a bid in for the 2008 health insurance for Millard County.

The Commissioners and Auditor scheduled September 13, 2007 for a work meeting to discuss property tax issues, including an appeal from Paramount Cubing.

FRED JOHNSON-POSSIBLE APPROVAL OF AN AGREEMENT WITH UTAH FORESTRY, FIRE AND STATE LANDS AND MILLARD COUNTY

Fred Johnson from the Utah Forestry, Fire and State Lands Division came before the Commissioners to address some updates in the participating agreement between Millard County and the Division. He said since House Bill #146 was adopted the relationship between the two entities has changed. Some of the changes are:

- The county has adopted a wildland fire ordinance based upon minimum standards established by the Division. *(Howard Allred said the new map designating wildland areas in the county has been created and it will be given to Mr. Johnson after Gary Walker's suggested changes are made. The county will adopt the map as their*

official wildland map.)

- The County fire department or the equivalent private provider under contract with the county meet minimum standards for wildland fire training, certification, and equipment based on nationally accepted standards as specified by the Division.
- The County has filed with the Division a budget for suppression costs.
- Reimburse the Division for 50 percent of the total cost of the District fire Warden's salary (including FICA and employee benefits under the State system, as applicable), within thirty (30) days following billing from the division. *(Currently the county pays on a 60/40 basis, but with new state funding the split will be 50/50.)*
- There are other minor changes written throughout the document.

Commissioner Smith reported that a meeting with Utah Preservation for Conservation and Development, ("UPCD") has been scheduled for the county to meet with the Bureau of Land Management and the Department of Agriculture and Food. A second meeting will be scheduled for the public and the permittees.

REQUEST FOR A FIRE HYDRANT FOR THE COVE FORT CHEVRON, OWNER JIMMY HODGES

Mr. Hodges was not present.

RATIFY SETTING THE DATE OF SEPTEMBER 4, 2007 AT 11:00 A.M. FOR A PUBLIC HEARING TO HEAR PUBLIC COMMENT ON PROPOSED CHANGES TO THE COUNTY ORDINANCES

Commissioner Walker made a motion to ratify setting September 4, 2007 at 11:00 a.m. for a public hearing to hear public comment on the proposed changes to the county ordinances.

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

SET DATE FOR A PUBLIC HEARING TO HEAR PUBLIC COMMENT REGARDING A SALES TAX INCREASE

Commissioner Walker made a motion to set the date of September 18 at 11:00 a.m. for a public hearing to receive public comment regarding a sales tax increase.

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

RENEWAL OF A PREDATOR CONTROL CONTRACT BETWEEN THE STATE OF UTAH AND MILLARD COUNTY

Commissioner Cooper made a motion to approve the Predator Control Contract Amendment between the State of Utah and Millard County. The dollar amount change to the contract

amendment is \$5,000. Millard County will not pay for coyotes killed in other counties.

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

POSSIBLE APPROVAL OF THE WESTERN STATES PRESIDENTIAL PRIMARY (“WSPP”) ELECTION FUNDING GRANT AGREEMENT

Clerk Norma Brunson explained that the state has made up an agreement for funding twenty two-thousand dollars (\$22,000) for the Western States Presidential Primary Election. Attorney Waddingham reviewed the agreement and recommended that it be approved.

Commissioner Walker made a motion to approve the WSPP Election Funding Grant Agreement.

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

POSSIBLE APPROVAL FOR RESCHEDULING COMMISSION MEETINGS IN NOVEMBER TO ACCOMMODATE THE NOVEMBER MUNICIPAL ELECTION

Commissioner Cooper made a motion to change the date of the Commission meeting on November 6, 2007 to November 13, 2007 to avoid General Election day.

Commissioner Walker SECONDED the motion. The voting was unanimous and the motion carried. The Clerk’s Office will put a public notice in the newspaper.

POSSIBLE APPROVAL OF THE RENEWAL APPLICATION FOR THE FILLMORE CLASS 4 LANDFILL

Commissioner Walker made a motion to approve the Application for Renewal of Permit #9712 to operate a Class IVb Municipal Solid Waste Facility at the Fillmore Landfill. The application was put together by Landfill Operations Director Sheryl L. Dekker.

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

POSSIBLE APPOINTMENT OF MEMBERS TO THE MILLARD COUNTY PLANNING AND ZONING BOARD

Commissioner Cooper made a motion to reappoint Robin Smith and Joyce Barney to serve another term on the Millard County Planning and Zoning Board.

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

OTHER BUSINESS

Forrest Roper updated the Commissioners on the situation with the grant funds that were originally going to upgrade the Scipio communications site. The funds will be redirected because

the state is not in a situation to help with the project right now. He made the Commissioners aware of the Emergency Management Conference that will be held October 1-2.

Commissioner Cooper received a letter from Thomas Peters concerning UPC Wind's proposal toward the taxation of their properties. Beaver County has chosen to remain neutral on the issue. Millard County opposes UPC Wind's taxing proposal and will have Treasurer John Hansen and Attorney Richard Waddingham write letters in behalf of Millard County to make the State Tax Commission aware of the county's opposition to UPC Wind's proposal.

Commissioner Walker made a motion to sign a corrected Quit Claim Deed for Luanne Nelson Chucci and Fred William Chucci Trustees of the F & L Cicchetti Family Trust.

Commissioner Cooper SECONDED the motion. The voting was unanimous and the motion carried. The deed will be mailed to Mr. and Mrs. Chucci. They will be responsible for recording the deed in the Recorder's Office. A copy of the unrecorded deed will be on file in the Clerk's Office.

Claudene Franklin came before the Commissioners and requested an abatement on her property taxes for F-36. She is disabled with a low income and is taking care of a grandchild. The money she receives comes from social security. The Social Security Department has acknowledged her widowhood because she and her husband were divorced just a few months before he died. She did not qualify for a county circuit breaker because of her marital status.

Commissioner Cooper made a motion to grant a circuit breaker to Claudene Franklin based on the fact that Social Security recognized her widowhood.

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

The Commissioners authorized the Auditor to get an auction ready to sell surplus county property. An auction will keep the sale local and allow citizens to purchase the surplus property. The elected offices and department heads will get a list of their surplus property to the Auditor. The sale will be held in the indoor arena in Fillmore.

Howard Bassett - Delta Oasis Sutherland Cemetery District Chairman reported that:

- Howard Allred, Commissioner and Grant Bennett, Delta Sexton have resigned and they will need to be replaced.
- Mr. Bennett has been receiving \$900 a month as the sexton and it is doubtful a replacement will accept that salary. The sexton position in the Delta Cemetery has become almost a full time position. Mr. Bennett and Mr. Allred have done a lot of good work at the cemetery. The caretaker positions need to be replaced with caring people.
- The cemetery watering system needs a major upgrade. It may take some professional engineering to get an efficient watering system.
- The cemetery boundaries need to be increased, planted with grass and put under the new sprinkler system.
- The Delta Cemetery roads need to be improved.

- The cemetery district has put its perpetual care money in a sealed CD and the money from the sale of plots is used for operating costs.
- The cemetery district has twenty-thousand dollars (\$20,000) worth of liquid assets to get started on the projects.
- In the future the cemetery grounds need to be put on a computer system.
- The cemeteries in Sutherland and Oasis are not having the same problems that the Delta Cemetery is experiencing. They asked the Commissioners for some help and advice to help solve the problems at the Delta Cemetery.
- They will need a tax increase to help with the cost of the above mention projects.

Auditor Grace, Treasurer Hansen, Attorney Waddingham and the Commissioners suggested some things that may help the Cemetery Districts get money for improvements and operation of the cemeteries in the future.

- The county is willing to act as the grant agent and will ask Linda Gillmor to write the grant if the cemetery district will locate available grants.
- The cemetery districts need to find out if CDBG money is available for the cemetery's projects.
- The cemetery districts need to make a 2008 budget that lists the operating expenses and the estimated costs of the projects.
- A date for a budget hearing on a tax increase will be set.
- The maximum tax increase would be .004 percent.
- The district was encouraged to hire an engineering firm that understands water systems.
- The county road department will furnish and stockpile gravel for the cemetery road improvements if the cemetery district will spread it around.
- Millard County will appoint board members upon the recommendation of the cemetery board and the cemetery board will hire the sexton. The sexton position could be put out for bid.
- Commissioner Walker, Auditor Grace and Treasurer Hansen will meet with the Delta Oasis Sutherland Cemetery District Board to look at the district's proposed budget and will help determine how much money a tax increase will bring in.

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

Commissioner Cooper made a motion to go into a closed executive session.

Commissioner Walker SECONDED the motion. The voting was unanimous and the motion carried. The meeting began at 11:57 a.m. and ended at 12:26 p.m..

The meeting reconvened at 12:26 p.m. and Commissioner Walker made a motion to approve salary increases for East Millard Swimming Pool and Sheriff Office personnel.

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

DISCUSSIONS FROM EACH COMMISSIONER, COUNTY ATTORNEY, ELECTED

OFFICIALS AND SECRETARY

Commissioner Cooper and Commissioner Walker attended a reception for Jolene Johnson, USU Extension Agent, the District Fire Meeting in Scipio and the Six County Association of Governments meeting.

Commissioner Cooper was given an update on the water projects with Emily Greene of Las Vegas and he also talked with Dean Baker.

Commissioner Cooper attended the Rural Summit Conference in Cedar City.

Commissioner Cooper and Commissioner Smith attended the Six County Association of Government Legislative Day and enjoyed a good ATV ride with the other officials.

Commissioner Smith, Commissioner Walker, County Planner Gary Walker and Millard Economic Development Board Chairperson Linda Gillmor attended a meeting with UNEV Pipeline project representatives who are proposing a petroleum pipeline through Millard County. Some of the private property owners in the county have not been contacted prior to the survey and UNEV Pipeline will need to apply for a Conditional Use Permit. Because of the large size of the project, UNEV Pipeline will need to have a public hearing with Planning and Zoning and a public hearing with the Commission. Construction workers will be living in the Delta area when the project begins and there are a few workers in the area now. UNEV Pipeline is doing an environmental impact statement with the Bureau of Land Management.

Commissioner Walker reported she had spoken to Attorney Waddingham about the county's insurance coverage on events. She has written a letter to Notch Peak Desert Dogs, a rock crawling group and the Hinckley's Lions Club, sponsors of the demolition derby, explaining the county's policy on events' insurance. *Millard County requires an organization that utilizes county facilities and charges an admission fee or an entry fee for any event must provide their own liability insurance, in addition to the county's existing insurance thus limiting the county's liability toward persons entering the land.* Millard County asks that anyone using the county's facilities for recreational purposes must provide proof of insurance at a rate of one million dollars per person and two million per occurrence and must name Millard County as an additional insured. Local insurance agents can help organizations and private people with this type of insurance.

Commissioner Walker reported the Millard County Fair was well attended and the activities were very good. The fair directors did a great job.

Attorney Richard Waddingham reported he attended a Risk Management Seminar in Cedar City, which was very informative. He said that Lester Nixon has offered to meet with Millard County officials and discuss any county concerns regarding insurance coverage.

PUBLIC INPUT

There were none.

WHERE UPON THE MEETING ADJOURNED

Commissioner Cooper made a motion to adjourn the meeting.

Commissioner Walker SECONDED the motion. The voting was unanimous and the meeting adjourned at 12:35 p.m..

Attest: _____

Approved: _____