

MINUTES OF BOARD OF COUNTY COMMISSIONERS  
MILLARD COUNTY THE 4th DAY OF SEPTEMBER 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: Tracy Norr . . . . . Fillmore City Recorder  
Howard Allred . . . . . Fire Warden  
Russ Cowley . . . . . Six County AOG Director  
Emery Polelonema. . . . . Six County AOG  
Connie Hansen. . . . . Millard County Recorder  
Jim Talbot. . . . . Millard County Treasurer  
Richard Beckstrand. . . . . Millard County IT Department  
Forrest Roper . . . . . Captain Millard County Sheriff Office  
Robert Dekker. . . . . Millard County Sheriff  
Gary Walker . . . . . Millard County Building/Planning Department  
Kevin Morris. . . . . West Millard Maintenance Supervisor  
Max Wood . . . . . Millard County Recreation Director  
Ron Hare. . . . . East Millard Justice Court Judge

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 September and October 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 introduced Tracy Norr, Fillmore City Recorder, who came before the Commission to tell about an incident in Iraq involving her nephew Brandon Bybee. On August 17,

2007, the Humvee in which Gunner Brandon Bybee was traveling, was hit by heavy gunfire and all the occupants were injured. He helped get the other three soldiers to safety in spite of his own burn injuries. He received a Purple Heart for his inspiring and heroic actions.

Commissioner Cooper offered the invocation. Everyone stood and said the Pledge of Allegiance to the Flag.

#### FOLLOW UP ACTION ITEMS FROM MINUTES OF AUGUST 21, 2007

There were none.

#### APPROVAL OF THE AMENDED MINUTES OF AUGUST 21, 2007

Commissioner Cooper made a motion to approve the amended minutes of August 21, 2007.

Commissioner Walker 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.

Auditor Grace gave the Commissioners the Accounts Payable Report of August 23 and August 31, 2007 to review and sign. They were also given the payroll reports of August 31, 2007.

Auditor Grace inquired as to the current status of the deeds for Luanne Chucci and Glen Walberg. Mrs. Chucci's deed had been signed by Commissioner Smith and mailed to her with a cover letter saying it was her responsibility to record the deed. A discussion ensued about what procedure would work best for the buyers and the county to avoid problems with the tax rolls. After discussing several scenarios a decision was made to collect the recording fee at the time the bidder pays the county for the property.

Auditor Grace said a hardship abatement request came in from Barney Davis. He had included some financial information with the application. A doctor's statement was included with the application.

A second hardship abatement came in from JoAnn Turner. A 2006 Income Tax Return was enclosed. The Commissioners tabled the decision on the requests until a later time.

Auditor Grace said that a certification will need to be filed with the Utah Retirement System regarding retirement benefits for Sheriff deputies working a normal schedule of 84 hours.

Auditor Grace said the July IHC billing has been received.

Commissioner Walker made a motion to approve payment based on the current contract with IHC for \$1,421.26 to the Fillmore Hospital for patients day beds and payment for \$54,301.46 to the

Millard County Long Term Care Center.

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

Auditor Grace received invoices from the ambulance personnel requesting transfer of funds for standby days at the Days of the Old West Rodeo and Bull Riding at the county fair. The transfer was approved by the Commissioners.

Auditor Grace said the utilities at the Old Millard County Care Center had not been transferred at the time of the sale of the building. There were several bills to Delta City and Rocky Mountain Power that continued to be paid by the county on a continued rotation basis. The county wrote a letter to Justin Poulson and asked for the \$5,396.61 to be reimbursed to the county. As of yet they have not received any word back from Mr. Poulson.

#### EMERY POLELONEMA, SIX COUNTY ASSOCIATION OF GOVERNMENTS -PRELIMINARY VISIT FOR COMMISSIONERS' APPROVAL TO ALLOW AOG REPRESENTATIVES TO VISIT CITIES WITHIN MILLARD COUNTY

Emery Polelonema and Russell Cowley, Six County Association of Governments came before the Commissioners to seek Commissioners' approval for Six County AOG representatives to visit with the municipalities' elected officials to get updates for the CIB proposed projects lists. Highlights of the presentation were:

- New process changes need to be followed to receive CIB and CDBG funding.
- The projects on the short term lists need to be real projects.
- This year's emphasis is on housing.
- Last year emphasis was on community planning.
- The criteria used to direct the funding are low, moderate income, economic development and blighted areas.
- The Commissioners would like put the Delta Oasis Cemetery District water project on the list as a first priority if possible. Millard County will sponsor the project.
- Six County AOG will be talking to communities about economic development.
- Counties will apply through the state and the ratings and rankings will be done by the AOG boards. The AOG boards will determine where the money will go.
- Cities need to plan out their strategy in order to make its projects work.
- This year the funding will not be divided but given out in larger portions.
- Projects must be on the list to be considered for funding.
- They will look at last year's projects and survey service providers like Central Utah Public Health Department and Mental Health and the school district as a third party.

It was announced that Russell Cowley is President Elect of the National Association of Development Organization, ("NADO").

The Commissioners authorized the Six County AOG to visit with the municipalities in Millard County to update the projects list. A training will be held on September 25, 2007 for elected officials from the communities and the counties in the Six County area. All entities interested in

getting money for projects must have their officials attend the training.

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

Howard Allred explained that Fred Johnson is on a fire in Idaho and could not make it to the meeting today. Attorney Richard Waddingham reviewed the proposed agreement and suggested that several changes should be made before the county gives its approval.

Commissioner Walker made a motion to approve the agreement between Utah Forest, Fire and State Lands and Millard County subject to approved changes to the document. Commissioner Smith has approval to sign the document after the changes are made.

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

#### DISCUSSION ON EMT AND AMBULANCE SERVICE-SHERIFF ROBERT DEKKER

Sheriff Robert Dekker talked to the Commissioners in a closed executive session.

#### PUBLIC HEARING TO RECEIVE PUBLIC COMMENT ON PROPOSED CHANGES TO THE MILLARD COUNTY ORDINANCES

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

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

Present at the public hearing were: Gary Walker, Tracy Norr, and Sheriff Dekker.

Gary Walker, County Planner, explained each one of the proposed changes that had come down through the planning commission process.

Commissioner Smith called the public hearing to order and invited the public to come to the microphone one at a time to give their comments. No one else gave comment.

Commissioner Walker made a motion to close the public hearing.

Commissioner Cooper SECONDED the motion. The voting was unanimous and the motion carried. The public hearing ended at 11:20 a.m..

See Exhibit A for proposed amendments.

#### REVIEW AND POSSIBLE APPROVAL OF THE 2007 STATEWIDE SPECIAL ELECTION FUNDING AGREEMENT

Clerk Norma Brunson gave a copy of the Statewide Special Election Funding Agreement to Attorney Waddingham to review. After reviewing the document he recommended the Commissioners sign the agreement.

Commissioner Walker made a motion to approve the 2007 Statewide Special Election Funding Agreement.

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

carried.

#### REVIEW AND POSSIBLE APPROVAL OF A BUSINESS LICENSE FOR OAK CREEK STATION-OWNERS JOEL AND SHAUNA MEINHARDT

Commissioner Cooper made a motion to approve a business license for Oak Creek Station-Owners Joel and Shauna Meinhardt.

Commissioner Smith **SECONDED** the motion. The voting was unanimous and the motion carried.

#### REVIEW AND POSSIBLE APPROVAL OF A BUSINESS LICENSE FOR SCIPIO STORAGE-OWNERS CLINTON AND DONNA QUARNBERG

The item was tabled until next meeting.

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

All the Commissioners met with Randy Johnson to discuss land use issues. Millard County has been watching the legislative process of Washington County's land use bill and to date it has not been approved but it is gaining congressional support. If the Washington County land bill passes then there is a good possibility for a regional land bill which would include Beaver, Paiute and Millard Counties. Millard County has contracted with Mr. Johnson, as a consultant, on a month by month basis at \$1,000 @ month to update the county's general plan. Millard County is concerned about the WSA in the West Desert and other issues and feels it is in the county's best interest to use Mr. Johnson's expertise in this matter. A summary of his work will be given to the Commissioners on a regular basis.

Commissioner Walker attended the Millard County Tourism Board work meeting to discuss its budget. She also attended the Millard County Economic Development board meeting. She met with Mary Jo Smith, President of the Delta Area Chamber of Commerce, to discuss its funding needs.

All three Commissioners attended a meeting with the Utah Partners for Conservation and Development on August 30, 2007 to discuss stabilization and rehabilitation for the Milford Flat Fire.

On August 30, 2007, all the County Commissioners and the Millard County Long Term Advisory Committee met together to discuss any concerns they have with Traditions Health Care. The committee was very supportive of the county moving ahead with the negotiation process.

Commissioner Walker reported she had called IHC Regional Operations Vice President John Hoopes and gave him an update on what had happened at the meeting with Traditions Health Care.

Commissioner Walker attended the Leamarado Days celebration on September 2, 2007.

Commissioner Smith talked with Brad Shaffer from Senator Bennett's Office and they have set up a tentative meeting in the Senator's Office on September 13 at 4:00 p.m.. The meeting will be with the mayor of Oak City and the NRCS to talk about some long term fixes on the culverts and drainage system above Oak City to prevent flooding problems in the future.

## DISCUSSION WITH ELECTED OFFICIALS AND DEPARTMENT HEADS ON THE 2008 BUDGET PROCESS

Present were: Auditor Brandy Grace, Treasurer John Hansen, Recorder Connie Hansen, Clerk Norma Brunson, Assessor Jim Talbot, Richard Beckstrand, IT Supervisor, Justice Court Judge Ron Hare, Recreation Director Max Wood, County Planner Gary Walker, Captain Forrest Roper, Sheriff Robert Dekker and West Maintenance Kevin Morris. Highlights of the meeting:

- The Commissioners explained that the county is facing difficult financial circumstances.
- IPP's third unit is not going to build as planned.
- The county is spending more money than it is taking in.
- The county has been using money from the reserves for several years.
- There is not a lot of value that will be added to the tax base.
- The certified tax rate was set a little lower because of a little growth in the county.
- The county can't go over the certified rate.
- The county will receive the same amount of money as it did the year before.
- The county can't raise the tax rate because they are over the state maximum.
- The county can't do truth and taxation without reason.
- The county's ability to produce income is limited.
- The Commissioners would like all the departments and offices to look at its budgets very closely this year.
- Health care insurance costs are going up again this year. The Commissioners said that employees may have to fund part of their insurance.
- The county will be receiving health insurance bids from insurance agents in the near future.
- The county may provide PEHP Summit Care Insurance and provide an option for employees to buy up.
- A lot of changes have been made with insurance coverage and salary through the years.
- The county is planning to increase the sales tax but will show an offset with the property tax if the county adopts it. If the county doesn't adopt the sales tax increase, the state will do it and take the difference.
- The Commissioners feel we are in a difficult situation financially than in the past and everybody needs to tighten their belts and prioritize their needs.
- The Commissioners suggested that a two percent COLA be put into the budgets as a starting figure.
- Capital expenses should be kept to a minimum.
- The newly formed Wellness Committee is replacing the Employee Relations

Committee.

- The county is facing a difficult task to make the budget work.
- The Commissioners said that the employees should be told what is happening with the budget.
- The budget hearing will be scheduled on November 20, 2007.

Treasurer John Hansen had this year's Cost of Living Adjustments ("COLA") figures from various entities ranging from 3.3 to 6.8 percent. By giving a low COLA or no COLA and charging for insurance, the county employees will have less spendable income. The county employees do not want less money than they are currently getting.

Judge Hare said that county employee's moral is already low and the Commissioners may have to look at other places in the county to cut expenses beside employees benefits. The county may not be able to afford all the services that it has provided in the past. Services should also be prioritized as the level of services and operational costs are going up each year. The offices must perform certain duties that are mandated by law that can't be cut out.

Auditor Grace reminded the elected officials and department heads to put an explanation in their budgets to include the grant amounts they are planning to get for the upcoming year.

#### OTHER BUSINESS

Commissioner Walker made motion that beginning January 1, 2008, Millard County will no longer subsidize the patient day beds at the Fillmore Hospital.

Commissioner Cooper agrees that this is what the county needs to do but he feels the motion is a little premature. Commissioner Walker said that John Hoopes IHC Regional Director has already been informed of this decision.

Commissioner Smith stepped from chair and SECONDED the motion and asked for discussion. Negotiations the county has with Traditions Health Care does not deal with the swing beds at the Fillmore Hospital as they will not be contracting the swing beds. IHC has said it will be their choice to keep the swing beds opened or close them. This decision will not jeopardize the Fillmore Hospital because it is a critical care facility. If finances are an issue at a critical care facility, there are federal funds to make it whole. The county does not want to continue to fund the beds in Fillmore and will save almost \$150,000 a year or more. The county will give IHC notice in writing ninety days prior to discontinuing the payments. Commissioner Cooper said that he agrees the funding should end by January 1, 2008 but there is a perception on the east side of the county that by not funding the beds in the Fillmore Hospital the citizens are not given just consideration. He is in favor of doing a public relations effort to give the citizens some advance notice what the reasons are for the Commissioners' decision.

Commissioner Smith rescinded his second to the motion and asked to put a discussion of the subject on the next Commission Agenda.

#### PUBLIC INPUT

There was none.

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 to discuss personnel issues.

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

The regular meeting was reconvened at 11:38 a.m..

Commissioner Cooper made a motion to grant a fifty (50) cent raise for EMTs who carry pagers and raise the Basic Level EMT's pay from \$24.00 to \$30.00 a run, and raise the Intermediate Level class EMTs from \$30.00 to \$36.00 per run. The additional money will be taken from the ambulance enterprise fund.

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

The Commissioners gave their approval for the Sheriff to pursue a company to write an updated policy and procedures for the Millard County Jail at a cost of \$20,000.00 which will be split out of this year and next year's budget.

Commissioner Walker made a motion to approve the payroll increase requests from West Millard Maintenance and West Millard Pool.

Commissioner Cooper 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 Cooper SECONDED the motion. The voting was unanimous and the meeting adjourned at 1:48 p.m..

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

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

## PROPOSED ONE STRUCTURE PER LOT AMENDMENT

Sec 10-9-2 of the Millard County Code now reads:

### 10-9-2: MORE THAN ONE PRINCIPAL STRUCTURE ON A LOT:

In any district, more than one structure housing a permitted or conditional use, except single-family and mobile home uses, may be erected on a single lot; provided, that yard and other requirements of this chapter shall be met for each structure. (Ord. 02-12-09, 12-9-2002, eff. 1-1-2003)

It is proposed that Section 10-9-2 of the Millard County Code be amended to read:

### 10-9-2: MORE THAN ONE PRINCIPAL STRUCTURE ON A LOT:

A. In any district allowing Single Family Dwellings to be occupied, only one single family dwelling will be allowed to be erected on a lot or parcel of land, except as follows

(1). As specified in Section 11-5-3 of the Millard County Subdivision Ordinance regarding special on site housing.

(2). When a new dwelling is to be erected to replace an existing dwelling, the existing dwelling may be used as temporary housing until the new dwelling is completed and has met the occupancy requirements of the county building official. Provided, once the new dwelling is declared ready for occupancy, the residency must be transferred to the new dwelling and the existing dwelling shall be demolished or removed from the lot or parcel within thirty (30) days and before a certificate of occupancy will be issued for the new dwelling.

B. In any district, more than one structure housing a permitted or conditional use, except single-family and mobile home uses, may be erected on a single lot; provided, that yard and other requirements of this chapter shall be met for each structure. (Ord. 02-12-09, 12-9-2002, eff. 1-1-2003)

## PROPOSED MINIMUM WATER SUPPLY AMENDMENT

Section 5-2-5 of the Millard County Code now reads:

### 5-2-5: ADEQUATE WATER SYSTEM REQUIRED:

No person shall occupy, lease, or permit the occupancy of any building or structure in the county, unless one of the following conditions is met:

- A. The building or structure is connected to a public water system; or
- B. The building or structure is equipped with an individual water system that meets state and local potable water standards. The standards shall include compliance with the applicable plumbing code. Further, the water in all buildings and structures shall be under adequate pressure and in sufficient quantity for the drinking, bathing, washing, and proper sanitation of all occupants. (1988 Code § 7.16.050; amd. 2005 Code)

It is proposed the amend section 5-2-5 of the Millard County Code to read:

### 5-2-5: ADEQUATE WATER SYSTEM REQUIRED:

No person shall occupy, lease, or permit the occupancy of any building or structure in the county, unless one of the following conditions is met:

- A. The building or structure is connected to a public water system; or
- B. The building or structure is equipped with an individual water system that meets state and local potable water standards. The standards shall include compliance with the applicable plumbing code. Further, the water in all buildings and structures shall be under adequate pressure and in sufficient quantity for the drinking, bathing, washing, and proper sanitation of all occupants. (1988 Code § 7.16.050; amd. 2005 Code)
- C. For the purposes of this section, sufficient water supply and the minimum individual underground water right appropriated to a private well serving no more than one single family dwelling and accompanying yard will be .015cfs or 1 acre foot of water for domestic use.

## PROPOSED PUBLIC NOTICE AMENDMENT

Section 10-3-4 of the Millard County Code that now reads:

4. County Commissioners' Hearing: The county commissioners shall fix a regularly scheduled time and place for a public hearing at which all interested parties shall have an opportunity to be heard. Notice of the time and place of the public hearing and the nature of the amendment sought shall be given in one publication of a newspaper of general circulation in the county, at least fourteen (14) days before the date of the hearing. Also, notices shall be posted in the area which is to be the subject of the hearing, also for at least fourteen (14) days prior to the hearing. The posted notices shall be in number, size and location as prescribed by the planning and zoning administrator and removed by same within fifteen (15) days after the public hearing has been held.

It is proposed that Section 10-3-4 of the Millard County Code be amended to read:

Additional definition:

"Affected entity" means a county, municipality, independent special district under Title 17A, Chapter 2, Independent Special Districts, local district under Title 17B, Chapter 2, Local Districts, school district, interlocal cooperation entity established under Title 11, Chapter 13, Interlocal Cooperation Act, specified property owner, property owners association, public utility, or the Utah Department of Transportation, if:

- (a) the entity's services or facilities are likely to require expansion or significant modification because of an intended use of land;
- (b) the entity has filed with the county a copy of the entity's general or long-range plan; or
- (c) the entity has filed with the county a request for notice during the same calendar year and before the county provided notice to an affected entity in compliance with a requirement imposed under this chapter.

Proposed language for paragraph 4:

4. County Commissioners' Hearing: The county commissioners shall fix a regularly scheduled time and place for a public hearing at which all interested parties shall have an opportunity to be heard. Notice of the date, time and place of the public hearing and the nature of the amendment sought shall be:
  - (a) mailed to each affected entity at least ten calendar days before the public hearing;
  - (b) posted in at least three public locations within the county or on the county's official web site; and
  - (c) published in a newspaper of general circulation in the area at least ten calendar days before the public hearing.

It is the intent of this amendment to align the Millard County Code with the public notice requirements specified in the Utah Code, which requires publication 10 days prior to a public hearing rather than 14 days prior to a public hearing.

# PROPOSED SIGN LOCATION AMENDMENT

Section 10-10-4 of the Millard County Code now reads:

## 10-10-4: PERMITTED SIGNS IN CERTAIN ZONING DISTRICTS:

The following types of signs shall be allowed to be erected and maintained in the zoning districts enumerated, and others:

<u>Billboard</u>	<u>HC, LI, HI</u>
Business sign	CC, LI, HC
Central business sign	CC
Special business sign	CC
Flashing sign	LI, HI
Illuminated sign	CC, HC
Bulletin sign	All districts
Home occupation sign	All residential districts
For sale sign located on premises	All districts
Temporary business sign	CC, HC, LI, HI
Temporary construction sign	All districts

(Ord. 02-12-09, 12-9-2002, eff. 1-1-2003)

It is proposed to make this section align with Sec. 10-15-1 #6312 of the Land Use Map. If amended, Section 10-10-4 would read:

## 10-10-4: PERMITTED SIGNS IN CERTAIN ZONING DISTRICTS:

The following types of signs shall be allowed to be erected and maintained in the zoning districts enumerated, and others:

<u>Billboard</u>	<u>HC</u>
Business sign	CC, LI, HC
Central business sign	CC
Special business sign	CC
Flashing sign	LI, HI
Illuminated sign	CC, HC
Bulletin sign	All districts
Home occupation sign	All residential districts
For sale sign located on premises	All districts
Temporary business sign	CC, HC, LI, HI
Temporary construction sign	All districts

(Ord. 02-12-09, 12-9-2002, eff. 1-1-2003)

## PROPOSED ADDITION OF STORAGE UNIT DEFINITION

### PROPOSED STORAGE UNIT DEFINITION

**Self-Service Storage Unit Facility:** "Self-service storage unit facility" means any real property with a structure of a minimum of 4000 square feet and containing 20 or more separate enclosed spaces and used for the purpose of renting or leasing individual storage space that is covered and enclosed to allow secure private access. The structure must be of a type of construction that the enclosure is capable of protecting the contents from the elements. No occupant may use the storage facility for residential purposes. Does not include "open storage".

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#### Utah Code 38:8:1 reads:

(7) "Self-service storage facility" means any real property designed and used for the purpose of renting or leasing individual storage space to occupants who are to have access to the facility for the purpose of storing and removing personal property. No occupant may use a self-service storage facility for residential purposes. The owner of a self-service storage facility is not a warehouseman as used in Subsection 70A-7-102(1)(h). If an owner issues any warehouse receipt, bill of lading, or other document of title for the personal property stored, the owner and the occupant are subject to the provisions of the Uniform Commercial Code, and the provisions of this chapter do not apply.

Internet definition: (I found this on the internet while researching the issue)

So, what is a self storage facility? In all states real property with 50 or more enclosed spaces rented to individuals and businesses for storage purposes is a self storage facility. But what if you also have covered parking for recreational vehicles or open lot storage. Are these operations self storage? They may not be. The starting point is the legal definition of a self storage facility. The following is a typical definition:

"Self-service Storage Facility" means any real property designed and used for the purpose of renting or leasing individual storage spaces to occupants who are to have access to such for the purpose of storing and removing personal property. A self-service storage facility is not a warehouse for purposes of Article 7 of the Uniform Commercial Code. If an owner issues any warehouse receipt, bill of lading, or other document of title for the personal property stored, the provisions of this Act do not apply.

