

MINUTES OF BOARD OF COUNTY COMMISSIONERS  
MILLARD COUNTY THE 29th DAY OF JANUARY 2008  
AT THE COURTHOUSE, FILLMORE, UTAH

PRESENT: John C. Cooper. . . . . Chairman  
Daron P. Smith. . . . . Commissioner  
  
Norma Brunson . . . . . County Clerk  
Janice Robins. . . . . Deputy County Clerk  
  
ALSO PRESENT: Cindy Gubler . . . . . UNEV WF & CO  
Cheryl Searle . . . . . State of Utah DFCM  
Mayor Gayle Bunker . . . . . Delta City  
  
EXCUSED: Kathy Y. Walker . . . . . Commissioner  
Richard Waddingham. . . . . County Attorney

PURSUANT TO AN AGENDA WHICH HERETOFORE HAD BEEN PROVIDED TO each member of the governing body, the local news media and posted in three public places or on the Millard County website, as required by law, the following proceedings were had:

PUBLIC WAS WELCOMED

The meeting began at 10:00 a.m. after a brief welcome by Commissioner Cooper 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 JANUARY 15, 2008

There were none.

APPROVAL OF JANUARY 15, 2008 COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held January 15, 2008 were presented for consideration and approval. Following review and consideration of minor corrections Commissioner Smith made a motion to approve the minutes of January 15, 2008, as corrected.

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

## CHERYL SEARLE-STATE OF UTAH-DIVISION OF FACILITIES CONSTRUCTION & MANAGEMENT REGARDING ADULT PROBATION AND PAROLE (“AP&P”)

Cheryl Searle from the State of Utah, Division of Facilities Construction & Management came before the Commissioners with a proposal for a small remodeling project in the office space rented by AP&P that is located in the Public Safety Building. They proposed a plan to make the existing lobby into an office, put up a wall to create a small hallway to its other offices and install a chair rail on the outside wall in the main hallway. The estimated cost would be between \$500 and \$1,000. The state will pay for the project in a one time payment to the county. They would like the county’s maintenance crew to confirm that the proposed plan fits within the state’s building code guidelines and to provide the labor for the project. The Commissioners agreed to the suggested remodeling if the changes comply with the building code requirements. Gary Hone, East Millard Maintenance Supervisor will be asked to do an on site inspection and let Cheryl Searle know if and when the project could begin.

## RENEWAL OF THE LAW ENFORCEMENT CONTRACTS WITH DELTA CITY AND FILLMORE CITY

Delta City Mayor Bunker and the Commissioners discussed a proposed contract with Delta City and Fillmore City for law enforcement services. Commissioner Smith said the county desires a 3-4 year contract with a fixed 5 percent increase each year with some consideration for office space with Delta City. A multi-year contract would eliminate going through the negotiating process every year and would add some stability to the situation helping both the cities and the county with its budgeting process.

Mayor Bunker expressed his concern with the lack of discussion between the cities and the county on the law enforcement contract in addition to the fact that the increase is not backed up with figures. He said he had not met with Delta City’s Councilmen and he didn’t think they would go for a 5 percent increase every year for 3-4 years. He thought they might go with the 5 percent this year and for the next three years a 3 percent increase. He was willing to compromise with a 4 percent increase each year.

After discussing both sides of the issue, Mayor Bunker agreed that he will go to the Delta City Council and propose a one year contract with a 5 percent increase and then they will consider a 3-4 year contract after reviewing current law enforcement expenses. Sheriff Robert Dekker who came into the meeting while the topic was still being discussed was asked to gather the current and projected figures for providing law enforcement to the cities and present it to the Delta and Fillmore City Mayors. Commissioner Cooper expressed the county’s concern with the increasing cost of law enforcement and reminded the Mayor that the cities were only being charged about half of the true costs.

Mayor Bunker expressed his concern with a county tower that was placed on Delta City’s garbage dump property and that there is not an interlocal agreement between Delta City and Millard County in place. Commissioner Smith explained that the county is aware of the problem and that when the tower was built, the former Sheriff had assumed that the dump site was owned by the county. The county is willing to enter into an interlocal agreement with Delta City on this issue.

There are several other issues that may require an interlocal agreement with the county. Delta City's new well is located on property that is not properly zoned for a well and they need a Conditional Use Permit ("CUP") for the well. The new water facility for Hinckley/Deseret is within the county and a building permit and a CUP is required. Gary Walker, Millard County Planner and Attorney Richard Waddingham will be asked to draft the interlocal agreements and prepare the permits in an effort to protect the cities and the county.

Commissioner Smith invited Mayor Bunker to attend the public hearing in Delta on Thursday, January 31 at 7:00 p.m. to hear public comment and discuss the proposed West-Wide Energy Corridor and its location in Millard County.

Commissioner Smith announced that Mayor Bunker has been asked to continue to represent the cities on the Six County AOG Board.

#### POSSIBLE APPROVAL OF A BUSINESS LICENSE FOR JD WOODS, OWNER DOLLY HIX WILLOUGHBY

The Commissioners reviewed the application for a proposed business license for custom-made cabinetry, custom furniture and log furniture. The owner is Dolly Hix Willoughby.

Commissioner Smith made a motion to approve a business license for JD Woods, Owner Dolly Hix Willoughby.

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

#### POSSIBLE APPROVAL OF A BUSINESS FOR PC TRENDS, OWNER ADAM FARLEY

The Commissioner reviewed the business license application from Adam Farley for a computer home tech business.

Commissioner Smith made a motion to approve the business license for PC Trends, Owner Adam Farley.

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

#### POSSIBLE APPROVAL OF THE LEASE AGREEMENT BETWEEN THE US FOREST SERVICE AND MILLARD COUNTY

This item was tabled.

#### RATIFY THE APPOINTMENTS TO THE MILLARD COUNTY CARE CENTER'S BOARD OF DIRECTORS

Commissioner Smith made a motion to ratify Tony Dearden, Rex Stanworth and Natalie Bennett to the Board of Directors for Millard County Care & Rehabilitation, Inc.

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

#### REQUEST FOR COMMISSION WAIVER BY STEVE REGAN COMPANY TO USE EXHIBIT BUILDING

The request from Steve Regan Company to use the Millard County exhibit building was denied as the county doesn't waive fees for private entities. The company will be notified of the Commissioners' decision.

#### ANDREA BULLOCK-DISCUSSION ON PROPERTY ISSUE

This item was tabled.

#### FILING OF DISCLOSURE STATEMENTS

Disclosure Statements were filed for:

Elizabeth R. Bartholomew  
Frank Taft Paxton  
Daniel R. Rowley  
Carol Malone  
Cindy L. Staples  
Lindsay Mitchell  
William J. Justesen  
Sheri Dearden  
John L. Hansen  
Ronald L. Comeau

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

Sheriff Robert Dekker discussed the reverse 911 systems that would notify residents of Millard County in the case of an emergency of whether to evacuate or shelter in place. The system identifies the area where the emergency is taking place, then a message is created and sent out to the affected residents. The person answering the phone can push a number that relays back that the message was received by someone at that location. He said he has looked into two different companies. The first company charges \$50,000 and the county would own the hardware and the software and would be responsible for the maintenance and updates. A company called Code Red charges \$7,500 and they would own the hardware and software and they would take care of the updates for an annual fee.

The Commissioners agreed with Sheriff Dekker that Code Red's program would work better for our county's situation. There are multiple uses for the system and the cities will be offered the right to use the systems for a set fee. When the system is purchased, the county will give a

presentation of its benefits and uses to the city officials.

Commissioner Smith attended a Six County Mental Health Authority meeting on January 23, 2008 where the Independent Audit was presented. The copy of the audit and the management letter are available for review. Commissioner Smith said he had approved the audit and also the Central Utah Mental Health Department's monthly financial statement.

Commissioner Smith said that Millard County has submitted oral and written comments at the BLM's public hearing in Salt Lake City, Utah. The Commissioners will present those comments at the public meeting in Delta on January 31, 2008. The Commissioners will also submit additional comments to the BLM by the February 14 deadline.

Commissioner Smith has been working with County Planner Gary Walker, Attorney Richard Waddingham, Bruce Parker, Mark Ward and Randy Johnson on revisions to the Millard County General Plan, Millard County Zoning Regulations and Millard County Land Use Matrix. A public hearing will be held on February 6, 2008 to present all the information to the Millard County Planning and Zoning Board and to the public.

A special Commission meeting will be held at 6:00 p.m. for public consideration of a proposal from Traditions Health Care, Inc. for the Operation and Management of the Millard County Care Center.

Commissioner Cooper, Commissioner Smith and Mark Ward met with Sherry Hirst, Director of the Fillmore BLM Field Office as a followup to the public meeting held with the livestock grazers on federal land in an effort to try and create better grazing practices to help prevent forest fires. Commissioner Cooper and Mark Ward along with representatives from several other counties are leading out on this issue. Commissioner Smith reported that the BLM is going to a three-tier management program. Millard County will be part of the West Desert District with Salt Lake County and other counties on the western side of Utah. Millard County is very interested in keeping the fire resources here because there are so many fires in our county each year.

Commissioner Cooper and Commissioner Smith met with Marvin Turner from State Lands and Fire to discuss the need to keep the interlocal agreement between the State, the BLM and the Forest Service together. There are plans to lobby the BLM to keep the fire fighting resources in our county.

Commissioner Cooper attended a meeting in Salt Lake City with Representative Brad Winn to discuss the legislation called the Concurrent Requirement for the Snake Valley Water Agreement which assures that there will be no agreement between Utah and Nevada without the approval of the governor and legislature. Representative Winn will take the legislation before the House and Senator Dennis Stowell will take the legislation before the Senate. The Commissioners will meet with the Governor or his two top representatives prior to the date that the legislation goes before the legislature.

Commissioner Cooper, Mark Ward and Dean Baker made a presentation to the Division of Natural Resources (“DNR”) subcommittee where they requested \$487,000 for a study of the springs in the Snake Valley. The subcommittee would like them to make a joint request with the DNR. They would like \$750,000 appropriated to monitor the spring for five years.

Commissioner Smith, Gary Walker and Attorney Richard Waddingham met with UNEV in the morning and UPC Wind at noon to discuss issues in regards to the Millard County moratorium, the time line and notification guidelines of the public hearings.

#### OTHER BUSINESS

Commissioner Smith made a motion to appoint Lon Jackson, Gale Chapman and Wayne Jackson to the Millard County Care & Rehabilitation, Inc Board. Tony Dearden, Lon Jackson and Rex Stanworth will be considered as the Incorporating Board Members with Tony Dearden as Chairperson.

Commissioner Cooper stepped from the chair and SECONDED the motion.

Clerk Norma Brunson reported James K. Slavens had inquired about a quarterly report meeting to discuss the defender contract with the county.

Clerk Norma Brunson invited the Commissioners to participate in the Western States Presidential Primary Election Canvass on February 12, 2008 at noon in the Law Library. (The time was later changed to 9:00 a.m.) She said the filing dates for the county officials position starts March 7 and runs through March 17. Auditor Grace will determine the filing fees based on the elected officials’ salaries and the information will be posted in the Clerk’s Office.

Commissioner Smith made a motion to approve Steve Kimball from Kanosh as a new member of the Central Utah Public Health Authority Board. He will replace Warren Jensen who recently passed away. Commissioner Cooper and Barbara Pierson also serve on the board.

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

Commissioner Smith made a motion to appoint Scott Wright to the Millard County Tourism Board.

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

Commissioner Smith said the county has received applications for the building inspector position which they will keep on file. The applicants will be notified that the county will be assigning those duties to the current staff.

The Commissioners agreed to release the \$300.00 check from the Assessor’s budget to pay the fee for an inaccurate application.

AUDITORS REPORT

Auditor Brandy Grace gave the Commissioners various invoices to review and approve for payment through the Auditor’s Office. The November and December billing from IHC in the amount of \$21,038.62 for the Fillmore Hospital was approved by the Commissioner to be paid. The long term care at the Millard County Care Center for \$196,476.79 should be adjusted when the management is transferred from IHC to Traditions Health Care.

Auditor Grace gave the Commissioners the Payroll Reports of January 4, and 18, 2008 and the Check Edit Report of January 28, 2008 to review and sign.

Auditor Grace said she had met with Callie Smith to discuss the financial situation with the West Millard County Mosquito Abatement District. It appears that the truth and taxation process had not been followed through and there is no money in their reserves. The district’s expenses generally run about \$400,000 and they will be bringing in about \$250,000. Commissioner Smith said he would work with the district to try and get the truth and taxation process continued.

PUBLIC INPUT

There was none.

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

There was none.

WHERE UPON THE MEETING ADJOURNED

Commissioner Smith made a motion to adjourn the meeting.

Commissioner Cooper stepped from the chair and SECONDED the motion. The voting was unanimous and the meeting adjourned at 11:40 a.m..

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

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