

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 19th DAY OF FEBRUARY 2008
AT THE COURTHOUSE, FILLMORE, UTAH

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

Richard Waddingham County Attorney
Norma Brunson County Clerk
Janice Robins. Deputy County Clerk

ALSO PRESENT: Bart Whatcott ATV Jamboree Chairperson
Forrest Roper. Sheriff Office
Ron Hare. John Hancock Plan Local Administrator
George Ann Probert and Jim Talbot. John Hancock Plan Trustees
Scott L. Corry. Millard County Fire District
Dean Draper & Shellie Dutson. Chronicle Progress Reporters
Shelly Teuscher UPC Wind
Brandy Grace. Millard County Auditor
Connie Hansen Millard County Recorder
John Hansen. Millard County Treasurer
Mel Bolling & Bill Wright. US Forest Service
James K. Slavens. Millard County Public Defender
Gordon Chatland Millard County Planning and Zoning
Wayne Jackson. Military Wall/ American Legion
James Robson. Curley's
Jim Beckstrand. Intermountain Health Care
David Christensen Fillmore City Mayor

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:

COORDINATION SESSION

The Commissioners scheduled events for the months of February and March 2008.

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 Cooper asked if anyone had an opening statement to give. Commissioner Smith said the invocation and afterwards, Commissioner Cooper read a quote. Everyone stood and said the Pledge of Allegiance to the Flag.

FOLLOW UP ACTION ITEMS FROM MINUTES OF FEBRUARY 12, 2008

There were none.

APPROVAL OF FEBRUARY 12, 2008 COMMISSION MINUTES

This item was tabled.

RONALD R. HARE, JOHN HANCOCK PLAN TRUSTEE AND ADMINISTRATOR

Ronald R. Hare, George Ann Probert and Jim Talbot, Trustees of the John Hancock Plan, came before the Commissioners to express their concerns with the recent activity regarding the John Hancock 401K plan.

- Trustees are concerned that they were not included with the Commissioners' and Auditor's recent discussions held with representatives from two companies who are interested in administering Millard County's 401K plan.
- Trustees are concerned that they were not notified of any complaints against Dean Johnson, the Administrator of the John Hancock Plan. (*The Trustees said they have received excellent help from Mr. Johnson.*)
- Trustees' are concerned with the possibility of the county terminating the John Hancock Plan and roll over funds to Utah Retirement Systems. (*A roll over will not work for some employees.*)
- The Trustees would like the results from the employees' survey that was sent out with the last paycheck.

The Commissioners explained that:

- Lack of service to the employees is the main complaint with the John Hancock Plan administrator.
- There have been reports that Mr. Johnson did not show up for appointments at the county road department and elsewhere.
- They thought the Trustees knew about the recent meetings where the John Hancock Plan was discussed.
- The Commissioners are willing to notify the Trustees personally about any future meetings and will not proceed without the Trustees' input.
- The results from the employees survey whether to 1) Continue participation in the

John Hancock Plan but pursue a new Third Party Administrator or 2) Eliminate the John Hancock Plan and roll funds to URS will be sent to the Trustees for review before a decision is made.

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 and the Payroll Report of February 15, 2008 to review and sign.

Auditor Grace reported the county's PEHP Insurance utilization reports dated December 31, 2007, have been received and are available for the Commissioners' review.

Commissioner Smith made a motion to change the county's reimbursement for mileage from 48.5 cents to 50.5 cents following the IRS approved rates and according to county policy.

Commissioner Walker SECONDED the motion. The voting was unanimous and the motion carried. Auditor Grace will send out a memo to all the elected officials and department heads about the new mileage reimbursement rates.

Commissioner Walker read a reminder letter saying that the annual payment of \$10.00 for the lease between the Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter-Day Saints and Millard County on the Fillmore ball fields was due on January 2, 2008. Auditor Grace was authorized to pay the bill.

JAMES K. SLAVENS, QUARTERLY REPORT ON PUBLIC DEFENDER WORK LOAD

James K. Slavens had initiated the meeting that is in his contract with the Commissioners to report on his work as Millard County's public defender. He gave a brief background of what his job involves.

- He represents and protects the rights of all indigent defendants in Millard County in District Court, Justice Court and Juvenile Court.

<u># Cases in District Court</u>	<u># Cases in Justice Court</u>	<u># Cases in Juvenile Court</u>
2005}	2005 not available	2005 791cases
2006} averaged 210 cases	2006 "	2006 657 cases
2007}	2007 164 cases	2007 514 cases

Mr. Slavens will get a copy of Justice Court figures and give them to the Commissioners at a later date. (*This was done on February 25, 2008*) He went on to explain that:

- The Division of Child and Family Services ("DCFS") cases usually take a lot of time.
- Council is obligated to handle the first appeals for individuals.
- Mr. Slavens has prepared and gives two form letter to clients, charged with a crime, explaining their rights and court procedures.

- He said it is hard to determine just how much time per week is spent on the public defender's contract.

Mr. Slavens was thanked for the report and the Commissioners said they appreciated his work.

DISCUSSIONS ON POSSIBLE AMENDMENTS TO THE CONTRACT WITH THE US FOREST SERVICE

After the contract was reviewed Bill Wright from the US Forest Service answered questions. An exhibit page was also added to the contract. Commissioner Walker made a motion to approve the 20 year Scipio Pass Communication Tower lease between the US Forest Service and Millard County.

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

Commissioner Walker made a motion to approve the Special-Use Application and Permit for Recreation Events Between the Forest Service and Millard County for the ATV Jamboree subject to approval and review by Attorney Waddingham.

Commissioner Smith SECONDED the motion. The voting was unanimous and the motion carried. The approval will be ratified at the next Commission meeting.

POSSIBLE DECISION ON WHETHER OR NOT MILLARD COUNTY MANDATE THE MILLARD COUNTY FIRE DISTRICT TO PAY FIRE SUPPRESSION COSTS

Scott Corry, Chairman of the Millard County Fire District had discussed the Millard County Fire District's concerns with the Commissioners at last week's meeting. Commissioner Cooper said the Commissioners had further discussed the issue of whether or not the county will mandate the fire district to pay fire suppression costs. The money for the 2008 year has already been put in the fire district's budget. In 2008 Millard County has to pay out \$21,000 for fire suppression before the State Fire Fund starts to pay expenses. Attorney Waddingham was asked to study the pros and cons of the issue and present it to the Commissioners while there is still time to determine what is the best method for the county to pay fire suppression costs. On a five year average Millard County has paid out \$34,283.00.

JIM ROBSON-PROPERTY ISSUE

Jim Robson came before the Commissioners and said he had a plan to expand his business by building a coffee shop. He would like to purchase a small parcel of property owned by Millard County located between the Chronicle/Progress and Curley's Lounge which would enable him to install a drive thru window for the coffee shop. Attorney Waddingham was asked to find out what the procedure would be to make the land transfer and to report his findings back to the Commissioners at the next Commission meeting.

CAPTAIN FORREST ROPER SHERIFF'S OFFICE-SALARY ISSUES

Captain Forrest Roper come before the Commissioners for consideration on salary increases for Tony Pederson, Clint Bowles and Nathan Tingey. The increases fall under the auspice of the current policy and were approved by the Commissioners.

REVIEW AND POSSIBLE APPROVAL OF APPLICATION FOR A NON PLAT SUBDIVISION #Z-2008-003-VINCENT CROPPER AND KRISTINE CROPPER FOR PROPERTY LOCATED IN THE E1/2 OF SW1/4, S11, T15S, R4W. 80 ACRES 1/4 MILE EAST OF LEAMINGTON

Commissioner Smith made a motion to approve the application for a non plat subdivision #A-2008-003 for Vincent Cropper and Kristine Cropper for property located in the E1/2 of SW1/4, S11, T15S, R4W. 80 Acres. 1/4 mile east of Leamington.

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

CONSIDERATION FOR APPROVAL TO ENTER INTO AN AMENDED AND RESTATED GROUND LEASE BETWEEN IHC HEALTH SERVICE, INC. AND MILLARD COUNTY

Commissioner Walker read the following statement.

“After careful consideration of available options, including those presented last week by County Attorney Waddingham, the County Commission is prepared to proceed with the contracts for Millard County Care Center.

Our decision is made from an understanding of the situation, anticipating the effects of that decision on Care Center staff and residents, as well as other County residents and taxpayers. We have estimated the support or opposition for these decisions, and carefully considered our own ability to deal with any mistakes. We have made our decision in light of all known aspects and believe we have selected those risks that have the greatest chance of yielding positive results.”

Commissioner Walker made a motion to approve the amended and restated ground lease between IHC Health Services, Inc. and Millard County, subject to IHC Board’s approval.

Commissioner Smith SECONDED the motion and expressed his appreciation for all the effort that people had put into getting the lease together. The voting was unanimous and the motion carried.

CONSIDERATION FOR APPROVAL TO ENTER INTO A TERMINATION, RECONCILIATION AND RELEASE AGREEMENT BETWEEN IHC HEALTH SERVICES, INC. AND MILLARD COUNTY, TO TERMINATE THE CURRENT OPERATING AGREEMENT FOR IHC’S MANAGEMENT OF THE MILLARD COUNTY CARE CENTER

Commissioner Walker made a motion to approve a Termination, Reconciliation and Release Agreement between IHC Health Services and Millard County effective February 29, 2008. She added that the county appreciates IHC for the many years of service provided to the Millard County Care Center and look forward to continuing a positive working relationship.

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

CONSIDERATION FOR APPROVAL TO ENTER INTO A CONTRACT TO PROVIDE CONSULTING AND OPERATIONAL SERVICES FOR THE MILLARD COUNTY CARE CENTER BETWEEN TRADITIONS HEALTH CARE, INC. AND MILLARD COUNTY

Commissioner Walker made a motion to enter into a contract to provide consulting and operational services for the Millard County Care Center between Traditions Health Care, Inc. (“Traditions”) and Millard County subject to any modifications through on going negotiations with Traditions. The contract with Traditions will be effective March 1, 2008.

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

CONSIDERATION FOR APPROVAL TO ENTER INTO AN INTERLOCAL AGREEMENT BETWEEN MILLARD CARE AND REHABILITATION, INC. AND MILLARD COUNTY

This item was tabled.

FILING OF DISCLOSURE STATEMENTS

The following people turned in Disclosure Statements to the county:

Debra Arnold
Brandy Grace
Brandon Bartholomew

OTHER BUSINESS

Bart Whatcott, ATV Jamboree Chairperson came before the Commissioners for consideration on a bill for \$27.40 from 2005.

Commissioner Walker made a motion to approve the payment of \$27.40 to Pioneer Market. The money will come out of this year’s ATV budget.

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

Mr. Whatcott said the ATV Committee will be participating in the Sportsmen’s Expo to be held on March 13-16, 2008 where they will be able to hand out tourism information.

Wayne Jackson said that in behalf of American Legion Post 61 and American Legion Post 135 he would like to give an update on the wall account. The Legion Posts need \$3,700.00 to update thirty-eight names on the Millard County Military Wall. To date the Legion Posts have earned \$3,000.00 and asked if the Commissioners would consider backing the last \$700.00 in case they are not able to come up with the full amount from proceeds of the March 21 dance. In order to have the updates done by Memorial Day, the panels must be ordered now. The Commissioners agreed to this proposal.

Gordon Chatland representing Millard County Planning and Zoning said it would be great

if a solution could be found to help the Planning and Zoning Committee regulate the splitting of property into two or more lots which requires subdivision compliance before the deeds are recorded in the Recorder's Office. The law does make allowances for the county to do a fix it, but it would be much better to have it done in proper sequence. The issue was discussed but it was determined that because of the variety and volume of deeds that are brought into the Recorder's Office, it would be hard to police. The county will continue to educate people the best it can.

Chronicle Progress Reporter Dean Draper said he had tried to do an article on the subject for the newspaper and had talked to the Recorder's Office. He found it would be almost impossible to regulate splits. Sometimes sellers put on their deed that the property is for recreation use only. Mr. Draper was told by the Recorder that it is not the Recorder's duty to police each document that comes over the desk for recording.

Shelly Teuscher, UPC Wind, said because the comment time on the county's proposed general plan and zoning regulations had been extended until today, UPC Wind's schedule will be a little tight to getting its Conditional Use Permit from Millard County done by mid May. If all the conditions are met she wondered if there was a possibility of a special meeting be held to accommodate the planning.

Commissioner Smith said that they would be willing to hold a special meeting if necessary.

Fillmore City Mayor David Christensen expressed his desire for Millard County to file the proper documents to protect our local water. Fillmore City is against HB51 because of its short term and long term negative affects on our local water rights. He encouraged a meeting to discuss the law enforcement contracts.

Commissioner Cooper said that the County and Fillmore City need to talk about the city incorporating the road in front of the Lang residence. If the city has annexed in this area it would be appropriate for the county to deed the road to the city or abandon the right of way depending on ownership of the road. He encouraged a meeting be set up where the county, city and Mr. and Mrs. Lang could discuss the matter.

Commissioner Walker read the numbers report from Sheriff Dekker and Utah Highway Patrol ("UHP") Sgt. Rhoades on the 2007 UHP special speed enforcement in Millard County.

- Cars stopped 3,559
- Bail on Citations written \$554,415
- Cars stopped speeding 3,134
- Pipelines (drug related) 2

The following letter from Delta City Mayor Gayle Bunker was read by Commissioner Walker. (See Exhibit A)

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

Commissioner Smith said that Mitch Myers, a property owner, has expressed his appreciation for the county's work on the energy corridor and he supports Millard County's position. He was concerned about the large area the corridor would take in and also the location near the Sevier River was a concern. Mr. Myers was invited to the public meetings where this issue will be discussed.

Commissioner Smith reported that a state investigator was sent down and issued Millard County a warning citation for improper inspection of a commercial facility. Millard County has addressed the situation and is now in compliance. The building inspector has taken the commercial certification test.

Commissioner Walker reported that most of her time recently has been spent on Millard County Care Center issues. She expressed her thanks to Jeff Christensen, the new Millard County Care and Rehabilitation, Inc. Administrator, Brian Erickson from Traditions Health Care, Jim Beckstrand and John Hoopes from Intermountain Health Care, and County Attorney Waddingham for all their work in the transition process. Commissioner Cooper thanked Commissioner Walker for all her hard work also.

Commissioner Cooper reported that he has been working as a lobbyist on Capital Hill.

- Millard County has been supporting HB170, a bill sponsored by Representative Chad Winn concerning the Snake Valley water.
- HB144 was passed and will cover the county's concerns in that no interstate agreements will be signed off unless it is signed by the Governor and the Legislature.
- The bill sponsored by Western States Alliance concerning the RS2477 road issues is a concern to Millard County.
- The illegal aliens bill that impacts education, medical service, driver license and ID is a concern.
- HB51 sponsored by Representative Painter is a concern because it deals with municipal water issues. It is hopeful Representative Dennis Stowell will be able to amend the bill.

PUBLIC INPUT

There was none.

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

There was none.

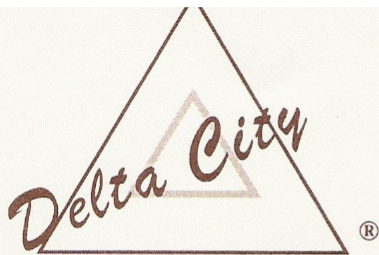
WHERE UPON THE MEETING ADJOURNED

Commissioner Walker made a motion to adjourn the meeting.

Commissioner Smith SECONDED the motion. The voting was unanimous and the meeting adjourned at 12:31 p.m..

Attest: _____

Approved: _____



DELTA CITY
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Delta, UT 84624
(435) 864-2759 FAX (435) 864-4313
www.delta.utah.gov

February 8, 2008

Millard County Commission
P.O. Box 854
Delta, UT 84624

RE: West-Wide Energy Corridor

Dear Commissioners:

At a regularly scheduled meeting held February 7, 2008, the Delta City Council voted unanin to support the Millard County Commission in their request that the West-Wide Energy Co through Millard County be constructed following the existing Intermountain Power Project co located west of Delta City. Delta City Council also expressed strong opposition to an e corridor being located east of Delta City due to negative impacts which would create long l detrimental effects on the residents of our area.

Thank you for this opportunity to voice opposition to the proposal to locate an energy corrid of our community.

Sincerely,

A handwritten signature in black ink that reads "Gayle Bunker". The signature is written in a cursive, flowing style.

Gayle Bunker
Mayor