

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 11th DAY OF MARCH 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: Ed Zmitravich. Cricket/Grasshopper Committee
Robert Dekker Millard County Sheriff
Jolene Johnson USU Extension
Brandy Grace Millard County Auditor
John Hansen Millard County Treasurer
Ron Hare Justice Court Judge
Shelly Teusher. UPC Wind
Gary Walker Millard County Planner
John Nelson. Millard County
Kyle Marchant Ash Grove Cement Company
Jeffrey Peterson. Ash Grove Cement Company

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 March and April 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 read an opening statement. Commissioner Smith gave the invocation. Everyone stood and said the Pledge of Allegiance to the Flag.

FOLLOW UP ACTION ITEMS FROM MINUTES OF FEBRUARY 19, 2008

There were none.

APPROVAL OF FEBRUARY 12 AND FEBRUARY 19, 2008 COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held February 12, 2008 were presented for consideration and approval. Following review and consideration of minor corrections Commissioner Walker made a motion to approve the minutes of February 12, 2008, as corrected.

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

Commissioner Smith made a motion to approve the minutes of February 19, 2008.

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. The January IHC invoice of \$9,878.10 for the swing beds at the Fillmore Hospital was approved for payment as it was still subject to the operating agreement.

The invoice for the Millard Care and Rehabilitation, Inc. for January and February in the amount of \$390,140.00 will be discussed with the Board of Directors.

Auditor Grace gave the Commissioners the Check Edit Report of March 7, 2008 and the Payroll Report of February 29, 2008 to review and sign.

Commissioner Smith made a motion to approve proceeding with Larson and Company for the County's 2007 Independent Audit following its three-year agreement with the County.

Commissioner Walker SECONDED the motion. The voting was unanimous and the motion carried. The approval will be ratified at the next meeting. Special District No. 8 will need to be notified to file its reports in a timely fashion so the County's Independent Audit can be filed on time.

Auditor Grace reported that she had met with Utah Counties Insurance Pool ("UCIP") and Public Employees Health Plan ("PEHP") to discuss investigating UCIP becoming its own insurance pool as it qualifies with 882 members. Auditor Grace said that Millard County needs to evaluate its commitment toward insurance coverage for County employees.

The Sportsmen for Fish and Wildlife sent Millard County a check for \$2,000 to go toward predator control in the County. Their willingness to give time and money was appreciated.

JOLENE JOHNSON, USU EXTENSION, DISCUSSION ON EMERGENCY INTERIM SUCCESSOR AND POSSIBLE APPROVAL OF THE ANNUAL AGREEMENT BETWEEN USU EXTENSION AND MILLARD COUNTY

Jolene Johnson, USU Extension Agent came before the Commissioners with a request to have Teresa Alldredge serve as the emergency interim successor for the Extension Office. Her request was granted. She reported that four applications had been turned in for the position of Ag Agent and one applicant had been interviewed. She also gave a favorable update on the success of the Extension programs in Millard County.

- Darlene Scott has been filling in for 4-H Assistant Shayla Densley who recently moved. Ms. Scott has been holding quilting camps, international camps, cooking camps, sewing camps and craft camps throughout the county.
- Mary Ann Henke is teaching nutrition classes at many facilities throughout the county.
- Other extension classes that will be scheduled are: Cashing in on Business, Business Management, Website Design and Quick Books.
- Clarification was made on Jim Stevens salary as he has not received a check for February. (*Millard County has budgeted his salary for February through September 2008.*)
- The YFP program ran by Jackie Nielson is working well and it includes a monthly family night out. (*Millard County has no responsibility with the YFP program.*)

The annual USU Extension agreement with Millard County will be reviewed by Attorney Waddingham and brought before the Commissioners next meeting for possible approval.

ED ZMITRAVICH, REPORT ON MORMON CRICKET AND GRASSHOPPER MEETING HELD FEBRUARY 28, 2008

Ed Zmitravich, who represents Millard County on Grasshopper Mormon Cricket Decision and Action Committee, said that the Mormon crickets have mostly been pushed out of the State of Utah or have been contained in the non populated areas. Idaho has not been very aggressive with its cricket control and it is hoped the crickets will not migrate back into Utah. Utah is now focusing on controlling wetland and dryland grasshoppers. The Commissioners were given the Minutes of the October and February meetings as well as Dr. Donald W. Roberts' report on Biological Control of Mormon Crickets in Utah. Dr. Roberts is working on a fungus that will grow on grasshoppers/crickets and eventually kills them. (A copy of the minutes and Dr. Roberts' report will be on file in the Clerk's Office.) Mr. Zmitravich said there is still some bait available in the Ogden warehouse. Dimlin has become very expensive to use in the control of the insects. Mr. Zmitravich was thanked for the work he had done in regards to cricket and grasshopper control. Glade Edwards also represents Millard County on the same committee. The next meeting is scheduled for October 9, 2008.

DISCUSSION ON ACCEPTANCE OF CREDIT CARDS FOR PAYMENT OF BAIL

Millard County Treasurer John Hansen expressed concerns about the County's practice of accepting credit card payments for bail. The credit card owner could take the option to appeal the charge resulting in the funds being withdrawn from the County's account. If this were to happen then Treasurer Hansen feels his bonds could be affected or he could personally be held liable for the

funds and he is not willing to put himself in this position. Other comments related to this topic were made by Attorney Waddingham, Sheriff Robert Dekker and Judge Ron Hare. The Commissioners agreed that Treasurer Hansen should not be liable for the money if problems arise with credit card payments.

Commissioner Smith made a motion to indemnify the Millard County Treasurer for any liability for accepting credit card payments for bail. The limit for credit card payments will be five thousand dollars (\$5,000.00).

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

POSSIBLE APPROVAL OF THE SPECIAL USE APPLICATION AND PERMIT FOR RECREATIONAL EVENTS BETWEEN FOREST SERVICE AND MILLARD COUNTY

Attorney Waddingham had reviewed the contract and gave a few comments. The possible approval of the contract will take place at the next Commission meeting.

POSSIBLE APPROVAL OF A BUSINESS LICENSE FOR WORTHEN'S WOOD'N STUFF, OWNER STANLEY C. WORTHEN

Commissioner Walker made a motion to approve a business license for Worthen's Wood'n Stuff, owner Stanley C. Worthen.

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

POSSIBLE APPROVAL OF A BUSINESS LICENSE FOR TONI WORTHEN STUDIOS, OWNER TONI WORTHEN

Commissioner Walker made a motion to approve a business license for Toni Worthen Studios, Owner Toni Worthen.

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

FILING OF DISCLOSURE STATEMENTS

Disclosure Statements were made for the following employees:

Ben McDonald
Sheri Callister

PUBLIC HEARING TO RECEIVE PUBLIC COMMENT ON AN APPLICATION FROM ASH GROVE CEMENT COMPANY FOR A CONDITIONAL USE PERMIT TO EXPAND THEIR LIMESTONE MINING OPERATION LOCATED FIVE MILES NORTHEAST OF LEAMINGTON, UTAH IN MILLARD COUNTY. THE PROPERTY IS MORE PARTICULARLY DESCRIBED AS FOLLOWS: SECTION 4, T15S, R3W, SLB&M, Lots 8-10, 13-21, SW1/4NE1/4,

SE1/4NW1/4, SW1/4, W1/2SE1/4.

SECTION 5, T 15S, R3W, SLB&M, LOTS 1-7, 10-27, S1/2NE1/4, SE1/4NW1/4; AND E1/2SW1/4, SE1/4.

SECTION 6, T15S, R3W, SLB&M, LOTS 7, 12-14, SE1/4. 222 ACRES DESIGNATED BY MINING CLAIMS.

Commissioner Smith made a motion to go into a public hearing to receive public comment in regards to a Conditional Use Permit (“CUP”) for Ash Grove Cement.

Commissioner Walker SECONDED the motion. The voting was unanimous and the motion carried. The public hearing began at 11:14 a.m.

Present were: Gary Walker Millard County Planner
John Nelson, Kyle Marchant & Jeffery Peterson.....Ash Grove Cement Company
Shelly Teusher..... UPC Wind

Commissioner Cooper welcomed the public and asked for comments about the CUP for Ash Grove.

Gary Walker reported that Millard County Planning and Zoning Commission has had a public hearing on the CUP application for a large scale project for Ash Grove Cement Company. The Planning and Zoning Commission has made a favorable recommendation on the CUP. Its application is for expansion of the Leamington site quarry that lies within Juab County and Millard County. The access road is in Juab County.

The representatives from Ash Grove showed maps of the area that will be affected by the expansion and briefly explained its plans and expressed interest in making sure all the permits are in order for the expansion.

There were no further comments.

Commissioner Smith made a motion to go out of the public hearing.

Commissioner Walker SECONDED the motion. The voting was unanimous and the motion carried. The public hearing ended at 11:22 a.m..

POSSIBLE APPROVAL OF A CONDITIONAL USE PERMIT FOR ASH GROVE CEMENT COMPANY ON THE PROPERTY DESCRIBED ABOVE.

Gary Walker said that there are certain requirements that must be met to obtain a CUP.

- Proposed use of this activity will be desirable and provide a service or facility that will contribute to the general well being of the county. (Twenty-five percent of its employees are from Millard County)
- Such use will not under any circumstances and the conditions imposed be detrimental to the health, safety and general welfare of persons, nor injurious to property or environment. (Ash Grove has an incredible safety record as well as good management with employees and with the environment.)

- The proposed use will comply with regulations and conditions specified in the ordinances for this type of use. (The ordinance recognizes multiple uses in this zone.)
- The proposed use must be in compliance with the general plan
- The proposed use must meet all State and Federal Mining Regulations

Commissioner Smith made a motion based on findings of fact and the recommendation from the County Planning Commission and County Planner Gary Walker to issue a CUP for Ash Grove Cement Company for the property listed above with the conditions set forth and required by the County ordinances.

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

PUBLIC HEARING TO RECEIVE PUBLIC COMMENT ON AN APPLICATION FROM ROBERT E. BLISS FOR AN AMENDMENT TO THE MILLARD ZONING MAP FROM RANGE AND FOREST (RF) TO AG INDUSTRIAL (AI) FOR PROPERTY APPROXIMATELY SIX MILES SOUTHEAST OF DELTA, UTAH IN MILLARD COUNTY. THE PROPERTY IS MORE PARTICULARLY DESCRIBED AS FOLLOWS: THE E1/2 OF THE NW1/4 AND THE NE1/4 OF THE SW1/4 AND THE W1/2 OF THE SE1/4 OF SECTION 14, T17S, R6W, SLB&M. EXCEPTING THEREFROM ALL RIGHTS OF WAY, STOCK TRAILS, DITCHES, AND CANALS, GRAVEL PITS AND GRAVEL BEDS. EXCEPTING THEREFROM ALL OIL, GAS AND /OR OTHER MINERALS IN, ON OR UNDER SAID LAND, TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS FOR THE PURPOSE OF EXPLORING AND/OR REMOVING THE SAME. EXCEPTING THEREFROM THAT PORTION LYING WITHIN THE BOUNDARIES OF THE STATE ROAD RIGHT OF WAY.

Commissioner Smith made a motion to go into a public hearing to hear public comments for a zone change requested by Robert E. Bliss.

Commissioner Walker SECONDED the motion. The voting was unanimous and the motion carried. The public hearing began at 11:25 a.m..

Present were Gary Walker and Shelly Teuscher.

County Planner Gary Walker said Robert E. Bliss has filed an application for a zone change on property he purchased from State Trust Lands that is adjacent to the location of his current dairy and it fills the corner in on Section 14, T17S, R6W. He is interested in future expansion of his dairy.

There were no further comments.

Commissioner Smith made a motion to go out of the public hearing.

Commissioner Walker SECONDED the motion. The voting was unanimous and the motion carried. The public hearing closed at 11:28 a.m.

POSSIBLE APPROVAL OF AN APPLICATION FROM ROBERT E. BLISS FOR AN

AMENDMENT TO THE MILLARD ZONING MAP FROM RANGE AND FOREST (RF) TO AG INDUSTRIAL (AL) FOR THE PROPERTY DESCRIBED ABOVE.

Commissioner Smith made a motion following the recommendation of the Planning and Zoning Commission to approve the amendment to the Millard County Zoning Map from Range and Forest (R&F) to Ag Industrial (AI) for the property described above owned by Robert E. Bliss.

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

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

Commissioner Walker and Commissioner Smith attended National Association of Counties (“NACO”) Legislative Conference in Washington, D.C. from March 1 thru 5. Commissioner Walker is on the Community and Economic Development Steering Committee and attended those sessions. The committee is responsible for developing NACO policy on affordable housing as well as community and economic development with emphasis on advocating federal programs such as Community Development Block Grant (“CDBG”) programs and urges Congressional support of CDBG formula funding of \$4.1 billion with no change to reform the program or alter the formula distribution process. Commissioner Walker also attended Environment, Energy and Land Use sessions. Among platforms and resolutions was opposition to any legislation, regulation or policy proposals which mandate programs and responsibilities on local government without full federal funding. Also, the committee opposes any federal attempt to preempt local planning policies, processes and decisions.

Throughout the Conference global warming was a major topic with debate of whether it is of natural origin or man-made. The pros and cons of renewable power and federal energy subsidies were discussed. Commissioner Walker reported the Conference provided helpful information and was a great opportunity to network with other commissioners nationwide to discuss similar issues.

Commissioner Walker and Commissioner Smith met with BLM representatives, Kathryn Winthrop, Project manager, West Wide Energy Corridor and Ron Montangna, Senior realty specialist, Chief Right of Way Management. It was a very positive meeting.

The Commissioners presented maps and comments on proposed and alternative routes for the West-Wide Energy Corridor in Millard County and urged their support of using the existing IPP Corridor.

Commissioner Walker and Commissioner Smith attended briefings with US Senators Hatch and Bennett and Representatives Matheson, Bishop and Cannon. Issues discussed included immigration reform, Real ID Act and changes expected with a new administration.

Commissioner Walker attended the first meeting of Millard County Care and Rehabilitation, Inc. on February 25, 2008. This was primarily an organizational meeting with board members, Administrator Jeff Christensen and Bryan Erickson of Traditions Health Care present. Tony

Dearden, Chairperson, conducted elections and Gale Chapman was chosen as Vice chairperson and Natalie Bennett as secretary. An Open House was scheduled for April 3 from 4:30 to 6:30 p.m..

Millard County Tourism Director Deb Haveron reported to Commissioner Walker that the Snow Goose Festival was a success. Motel room numbers were double what they were last year.

Commissioner Walker attended a meeting with Quantum Development representatives Tom Pugh and Brent Drew. Millard County Economic Development Director Linda Gilmor was also in attendance. The meeting was held to discuss the possibility of developing a county-wide industrial park, which would be a long-term project. Quantum will provide the county with research materials to further the discussion process and possibly move forward.

Linda Gilmor, economic development director, reported to Commissioner Walker that USU Diversified Agricultural board has chosen Millard County as host for the 2009 conference.

All the Commissioners, Attorney Waddingham and County Planner Gary Walker met with representatives from the BLM, UNEV and SITLA on March 10, 2008 for the purpose of discussing a reasonable alternative pipeline route agreeable to all parties. The BLM will provide Millard County with a map and a narrative of its comments to consider.

Commissioner Cooper reported that Millard County opposes the bill to abolish the use of the M44 Cyanide bombs for predator control because doing away with the bombs would hurt the livestock industry in Millard County. USDA APHIS had agreed to improve the signage of the placement of bombs. Millard County would like a copy of the report from APHIS.

Commissioner Cooper attended the Economic Development Awards in Bicknell, Utah. Steve's Tire was chosen as Millard County's Business of the Year. Steve and Joyce Frampton and Brian and April Stevens were honored at the banquet. The Framptons have several successful businesses in Millard County.

Commissioner Cooper said that the grazing in Millard County has been compromised due to the Milford Flat Fire. A number of livestock owners have had to reduce their herds because of the lack of available grazing land. Emergency grazing land has been arranged for livestock owners with the BLM and DWR. At the time of the fire Governor Huntsman and Glen McDonald of the BLM said they would arrange alternative grazing land, but they have not followed through with their commitments. Permittees have been told by the BLM that they will not be able to trail their livestock along the roads and this poses additional hardships on their situation.

Commissioner Cooper reported on the results of the following House Bills:

- HB170 support was dropped in hopes that HB 144 would cover their concerns and HB 144 was passed veto proof in both legislative bodies but in the late stages the Governor talked with leadership and it was dropped. The Governor, Senator Stowell and Representative Winn have agreed to sign a letter of support in regards to the Snake Valley and for two rural bills

- HB 51 was amended by Senator Stowell to cover concerns with the Southern Nevada Water Authority (“SNWA”) Millard County still has serious concerns with HB 51
- HB 53 passed and will have a detrimental effect with Kanosh Town’s zoning

Commissioner Cooper expressed his appreciation for the help of Representative Brad Winn and Senator Stowell.

Commissioner Cooper and Mark Ward attended the Great Basin Network Water meeting on Saturday, March 8, 2008. Representative Winn gave a presentation at the meeting.

Commissioner Cooper reported that Mark Ward and Jerald Anderson are attending the Cooperating Agency meetings with the BLM today in Ely, Nevada.

Commissioner Cooper attended the NACO Conference in Washington and attended sessions to discuss:

- Full funding for CDBG and CIB
- RS2477 road issues
- BLM relationships and issues
- And many other important issues

Attorney Richard Waddingham and the Commissioners discussed the offer made by Jim Robson to purchase .11 acres of property from Millard County. Attorney Waddingham said that according to State Lands the County should have an ordinance defining what constitutes a “*significant parcel*” of property to enable the County to sell property without holding a public hearing. The Commissioners authorized Attorney Waddingham to prepare a County ordinance governing the sale of surplus property.

OTHER BUSINESS

Commissioner Smith made a motion to appoint Leo Stott to serve a term on the Millard County Water Conservancy Board.

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

Sportsmen for Fish and Wildlife submitted a Request for Commission Waiver to use the Millard County Fair Building.

Commissioner Smith made a motion to approve waiving the fees 50 percent for Sportsmen for Fish and Wildlife. It is a nonprofit organization and according to County policy fees can be partially waived due to their contribution to the County’s predator control program.

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

Commissioner Cooper read a letter from Representative Shurtliff regarding a citizen’s complaint against Millard County over alleged improper compensation for gravel. Attorney

Waddingham will prepare a Quit Claim Deed to convey the County's interest back to the property owner and Commissioner Smith will communicate with Representative Shurtliff about what action the County will be taking in this matter.

Commissioner Smith reported that the results from the employees survey in regards to continuing with the John Hancock Plan or roll over the funds to Utah Retirement Services ("URS") will be sent to the Trustees for their recommendation. Twenty-five employees voted in favor of URS and six voted to continue with the John Hancock Plan.

Commissioner Cooper reported a grazing program has been proposed by the BLM to allow livestock grazers in Juab County, Beaver County and Millard County to graze early and late spring in an effort to control the Cheat grass and reduce the fuel for fires. During a meeting with the Commissioners and Mark Ward, the BLM identified the allotments in Millard County. The Commissioners thanked Leonard Blackham for his help with the initiative.

PUBLIC INPUT

Shelly Teuscher said that she has enjoyed working with County Planner Gary Walker and Consultant Bruce Parker and feels like they are doing a good job for the County. UPC Wind feels like they are on track to start construction this summer. They would like to meet and discuss any issues before its CUP goes before the Planning Commission. UPC Wind is still coordinating with the BLM on the route.

Commissioner Smith said the permittees are concerned about temporary fencing during the construction phase. Ms. Teuscher will check with her people and find out if this issue has been addressed.

Commissioner Cooper said that there is interest in having UPC Wind work toward providing energy for Utah as well as California.

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 12:35 p.m..

Attest: _____

Approved: _____