

MINUTES OF BOARD OF COUNTY COMMISSIONERS  
MILLARD COUNTY THE 22<sup>nd</sup> DAY OF JULY 2008  
AT THE COURTHOUSE, FILLMORE, UTAH

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

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

ALSO PRESENT: Cindy Gubler & Jim Townsend UNEV Pipeline  
Lynn Mansfield Chief Deputy Recorder  
Klint Penney Maintenance Department  
John & Marilou Heath & Bart Whatcott Citizens  
Sheryl Dekker Millard County Planner  
Deb Haveron Delta Office Manager  
Jim Talbot Millard County Assessor  
Julie Olsen Motor Vehicle  
Lindsay Mitchell Millard County Sheriff's Office  
Ronald R. Hare East Millard Justice Court Judge  
Shelly Teuscher & Krista Kisch First Wind  
Russell Olsen Larson & Rosenberger, Auditor  
Bruce Parker Millard County Consultant

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 Cooper asked for an opening statement. Commissioner Smith read a quote from Benjamin Franklin and then offered the invocation. Everyone

stood and said the Pledge of Allegiance to the Flag.

#### FOLLOW UP ACTION ITEMS FROM MINUTES OF JULY 1, 2008

There were none.

#### APPROVAL OF JULY 1, 2008 COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held July 1, 2008 were presented for consideration and approval. Following review and consideration of minor corrections

Commissioner Walker made a motion to approve the minutes of 2008, as corrected.

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

#### REQUESTS FOR AMBULANCE ABATEMENTS-LINDSAY MITCHELL-SHERIFF'S OFFICE

Lindsay Mitchell presented two ambulance abatements that had previously been discussed with the Commissioners. She gave Kathleen Greaney's financial information to the Commissioners and they reviewed them. Commissioner Walker made a motion to grant a 45 percent abatement on Kathleen Greaney's ambulance bill of \$1,256.31 based on the County's income guidelines.

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

Mrs. Mitchell said that Shanna Ellsworth has made a second request seeking Commissioners' consideration on an abatement for her family's ambulance bill. Financial information and pictures of the accident were provided for the Commissioners to review. The family had lost all their belongings in a car accident while moving to another state to attend dental school. The Commissioners reviewed the information.

Commissioner Smith made a motion to abate the Ellsworth's family ambulance bill

25 percent based on Millard County's income guidelines. The total amount of the ambulance bill is \$3,025.83. The County will stay the payments for one year in order to give the family time to recoup from their losses.

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

Captain Forrest Roper reported on a lawsuit which had been filed in West Virginia. One of the parties, an insurance company, tendered the proceeds of its policy limits into court for the various parties that may have a claim on the proceeds. Millard County is not a named party, nor has it ever been served with any type of notice. However, First Professional Services Corporation, who does billing for the Millard County Ambulance, was listed as a possible creditor. Captain Roper said that Millard County could send a representative to West Virginia to try to recoup \$1,200 for an ambulance bill from the Kaufman estate. After careful consideration of the matter and the fact that Millard County had not been named or notified as a party to the legal action, Commissioner Smith made a motion to not pursue the matter as it not worth the cost to try to collect the money.

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

## AUDITORS REPORT

Auditor Grace gave the Commissioners the Check Edit Report of July 18, 2008 to review and sign.

Auditor Brandy Grace gave the Commissioners various invoices to review and approve for payment through the Auditor's Office. An invoice for \$525.00 for standby ambulance services during the rodeo had been received. The Commissioners discussed the issue and will review how this expense was covered last year.

Auditor Grace said that PEHP has requested a signed contract with Millard County for insurance coverage. The Commissioners signed the document. A copy was later given to the Clerk's Office for filing.

A hardship abatement request was received from JoAnn Turner. Her income tax return and a letter from her were reviewed by the Commissioners.

Commissioner Walker made a motion to approve a 25 percent property tax abatement for JoAnn Turner based on the information provided and following County guidelines. The property's serial number is K 1980. Commissioner Smith SECONDED the motion. The voting was unanimous and the motion carried.

Auditor Grace said that in the past Millard County had titled and insured the

vehicles for the Millard County Care and Rehabilitation. The Commissioners discussed whether the care center's vehicles should be included in the County's fleet. The County Attorney was asked to look into the matter and it will be put on the Commission agenda for August 5, 2008 for discussion and possible action.

#### DISCUSSION AND POSSIBLE APPROVAL OF INITIATING A SHORT TERM DISABILITY POLICY AND ELIMINATING THE CURRENT POLICY OF EMPLOYEES DONATING SICK LEAVE TO ANOTHER EMPLOYEE

Auditor Grace said that she had been asked by the Commissioners to look into the possibility of the County purchasing short term insurance for the employees. She came up with the following information.

The cost of short term insurance will be approximately .3 percent of employee's salary

Short term insurance covers the three months before long term insurance is activated

- Short term insurance helps protect the employees' salary (after sick leave and vacation benefits are depleted)
- There are two options 1) Voluntary employee participation (At least thirty participants are needed for a group plan.) 2) County provides coverage for all employees. (The cost would be lower with full participation.)
- An employee not able to perform the essential functions of their position qualify for long term insurance. Maternity leave and some medical conditions do not qualify for long term insurance benefits.
- A short term insurance plan would be easier to manage than the current policy of donating sick leave to another employee.

Sheryl Dekker said she hates to lose the ability to donate sick leave to an employee if they need it, but if short term insurance covers this need then it should be all right. There has been some abuse of the donation policy.

Auditor Grace will investigate the actual cost to the County for short term insurance. No motion was made at this time.

#### DISCUSSION WITH GARY HONE-RETIREMENT AND REPLACEMENT

Mr. Hone will retire this week and the decision on his replacement has been put on hold.

#### DISCUSSION OF POSSIBILITY OF ESTABLISHING A FOUR DAY

## WORK WEEK FOR MILLARD COUNTY EMPLOYEES

Commissioner Walker said that as of August 4, 2008 most state offices will be going to a four-day work week. Offices will be open Monday thru Thursday, from 7:00 a.m. to 6:00 p.m. Exceptions are the courts' system, public safety and higher education.

Assessor Jim Talbot and Deb Haveron presented some positive statements for the County to go to a four-day work week.

Save energy (Utilities)

Environment (Less pollution)

Extended service hours (one hour before most offices open and one hour after they close)

Decrease fuel consumption ( One less day for travel to work)

Deb Haveron said that the Delta Office is in favor of closing the office on Fridays and work a four-day week. Division of Motor Vehicles ("DMV") will no longer have state support on Fridays. There are a variety of problems that could occur if transactions were started and could not be finished and state support was not available. It was suggested that the office could close at 5:30 to finish up transactions in progress and to reconcile the cash drawers. This would cut down on the comp. time that is now being paid to employees in the Delta Office for working after 5:00 p.m. to finish up customers' business. For a full list of Advantages and Disadvantages - See Exhibit A.

Sheryl Dekker said it will be difficult to be in the office and not be able to wait on DMV customers.

Brandy Grace said the Auditor's Office was not in favor of the four-day work week.

Jim Talbot said that the County should enact the four-day work week now rather than wait as it would show support and unity with the rest of the state.

Judge Hare cautioned that in order to be a certified court the office has to be open at least one hour, five days a week.

The Commissioners made a decision to keep the County offices open five days a week, with the exception of DMV offices in Delta and Fillmore. The results of the four-day work week with the rest of the state will be watched and a different decision could be made later. Assessor Jim Talbot was asked to post public notices and put notices in the local newspaper informing the public that the DMV Offices will be closed on Fridays each week.

## DISCUSSION AND POSSIBLE APPROVAL OF PROPOSAL FROM CINDY MANNING-WEST MILLARD SWIMMING POOL

Cindy Manning has made the following proposal for salary changes due to the upcoming minimum wage increase and the challenge of keeping enough life guards on staff. Minimum wage will increase to \$6.55 on July 4, 2008 with another wage increase in July 2009. The following proposed salary increases are for both the Delta and Fillmore Swimming Pools.

| Position                        | Current Wage | Proposed Wage |
|---------------------------------|--------------|---------------|
| Life Guards                     | \$6.60       | \$7.35        |
| Water Safety Instructor         | \$7.98       | \$8.73        |
| Shift Supervisor                | \$7.15       | \$8.75        |
| Water Safety Instructor Trainer | \$8.53       | \$9.25        |

Commissioner Walker made a motion to approve the salary increases for the Delta and Fillmore pools because of the need to keep lifeguards and the money is available in the pools' budgets.

Commissioner Smith said he would prefer to wait until the job salary survey is completed. He said that other requests for increases have been refused and it would be unfair to give a raise now.

The motion died for lack of a second.

#### RATIFY THE APPROVAL OF THE CERTIFIED TAX RATE

Commissioner Smith made a motion to ratify the approval of the certified tax rate for the County general rate at .003356 and the County assessing and collecting rate of .000224.

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

#### POSSIBLE EXTENSION OF STAN ROBISON EMPLOYEE STATUS AT THE MILLARD COUNTY ROAD DEPARTMENT

Commissioner Smith made a motion to extend Stan Robison's status as a seasonal full time employee for one more month.

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

REVIEW AND POSSIBLE ADOPTION OF RESOLUTION NO. 08-07-22, A RESOLUTION AMENDING THE MILLARD COUNTY POLICIES AND PROCEDURES MANUAL FOR MILLARD COUNTY, UTAH FOR THE PURPOSE OF DELETING THE REQUIREMENT UNDER SECTION XV (P) 2 OF THE MANUAL FOR DRIVERS TO COMPLETE AN ANNUAL REFRESHER COURSE; ADOPTING A NEW POLICY UNDER SECTION

## XX PERTAINING TO APPROVAL OF VOLUNTEER SERVICE

Attorney Richard Waddingham read Section XV (P) 2. All drivers operating a vehicle on county business shall be required to complete the above-mentioned defensive driver training course every (5) years and an annual refresher course on safe driving practices. Records on those taking such courses shall be kept by the County Personnel Department. Attorney Waddingham said that this policy is not being followed and if the County is not following a policy then the policy should be repealed.

He briefly explained the new policy pertaining to approval of volunteer service. Captain Forrest Roper expressed his concern about the way the resolution is written in regards to the use of volunteers in the event of a disaster.

Auditor Grace said she believes the annual drivers refresher policy was enacted to fulfill an insurance requirement. The County has video materials available for employees for their annual requirement. She will check with UCIP to see if that policy is still necessary.

A decision on the resolution will be tabled until the next meeting.

## REVIEW AND POSSIBLE APPROVAL OF A CONDITIONAL USE PERMIT (“CUP”) #Z-2008-012–FIRST WIND FOR A MAJOR ELECTRIC TRANSMISSION RIGHT OF WAY TO BE LOCATED APPROXIMATELY 18 MILES WEST OF DELTA, UTAH ALONG THE OVERHEAD UTILITY CORRIDOR AS INDICATED ON THE MILLARD COUNTY MAJOR UTILITY CORRIDOR PREFERRED MAP

Bruce Parker, Millard County Planning Consultant, said he has had communications with First Wind, Attorney Waddingham, Planner Sheryl Dekker and Gary Walker through meetings, phone calls and e-mails to clarify and tighten up some of the language in the conditions of approval for the CUP. There are twenty-four revised conditions of approval that need to be approved before the CUP is issued. Coordination with various state and federal agencies has been done to avoid duplication between various agencies. Mr. Parker said that he along with the Planning Commission recommends the approval of the CUP for the Milford Wind Farms/ First Wind. They have tried to address all the issues. There are a couple of minor changes that have been suggested by the County Attorney’s Office. Insert SLB&M after the section, township and range on condition number one. Insert the words “and shall remain in effect for the life of the electric transmission right of way (major)” (at the end of condition number ten.)

First Wind representatives, Shelly Teuscher and Krista Kisch thanked everyone that helped in the process.

Commissioner Smith made a motion to approve the application for CUP #Z-2008-012-First Wind for a Major Electric Transmission Right of Way to be located approximately 18 miles west of Delta, Utah along the overhead utility corridor as indicated on the Millard County Major Utility Corridor Preferred Map based on the twenty-four (24) conditions of approval. The CUP to be issued is based on the following findings:

The proposed use at the particular location is necessary or desirable to provide a service or facility which will contribute to the general well-being of the County.

Such use will not, under the circumstances and conditions imposed, be detrimental to the health, safety and general welfare of persons nor injurious to property or improvements of the immediate area or the County as a whole. The proposed use will comply with the regulations and conditions specified in the Millard County Code for such use.

The proposed use conforms to the goals, policies and governing principles of the Millard County General Plan.

The accessory uses associated with the Electric Transmission Right-of-Way (Major) will support and further the principal use of the property.

As a comment to the motion, it was noted that the conditions based in the CUP address the aforementioned findings so the CUP could be issued.

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

Mr. Parker said that a CUP will be brought to the Commissioners for signing after First Wind signs the permit. The permit will be recorded in the Recorder's Office.

#### REVIEW AND POSSIBLE APPROVAL OF A CONDITIONAL USE PERMIT #Z-2008-008–FIRST WIND FOR A MAJOR WIND ENERGY SYSTEM TO BE LOCATED APPROXIMATELY 60 MILES SOUTH OF DELTA, UTAH

Consultant Bruce Parker briefly explained CUP #Z-2008-008 for Milford Wind Corridor/First Wind. The language has been tightened in the CUP. In condition number eleven insert the words “ which shall remain in effect for the life of the wind energy system (major).” This application will allow up to sixty-three (63) wind turbines at the site. One third of the wind generation system is in Millard County.

Milford Wind Corridor/First Wind will meet with the Millard County Commissioners in a regular Commission meeting once a month during the construction phase.



Commissioner Walker made a motion to approve the CUP application #Z-2008-008- First Wind for a major energy system based on the twenty-six conditions of approval. The CUP to be issued is based on the following findings:

The proposed use at the particular location is necessary or desirable to provide a service or facility which will contribute to the general well-being of the County.

Such use will not, under the circumstances and conditions imposed, be detrimental to the health, safety and general welfare of persons nor injurious to property or improvements of the immediate area or the County as a whole.

The proposed use will comply with the regulations and conditions specified in the Millard County Code for such use.

The proposed use conforms to the goals, policies and governing principles of the Millard County General Plan.

The accessory uses associated with the Wind Energy System (Major) will support and further the principal use of the property.

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

Bruce Parker said it has been a pleasure to work with the County and First Wind representatives.

Mr. Parker was thanked for his good help in the project.

Commissioner Cooper thanked First Wind for their willingness to make the changes to the route.

## PRESENTATION OF THE 2007 AUDIT BY THE INDEPENDENT AUDITORS

Russell Olsen, Auditor from Larson & Rosenberger read the Auditors' Report. See Exhibit B for Auditors' Report.

Mr. Olsen then went briefly through the Basic Financial Statements and then went through the Government Auditing Standards Report, State Compliance Report, the Management Letter and current year findings including significant deficiencies, responses and recommendations. Both booklets with the Audit's information will be on file in the Clerk's Office.

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

Commissioner Walker attended a tourism work meeting. The purpose of the meeting was to determine what vacation packages are available locally that

could be developed and offered to visitors. Also, discussed was the amount of the budget remaining for this year.

All three Commissioners along with UAC Attorney Mark Ward traveled to Carson City, Nevada for a pretrial hearing regarding Southern Nevada Water Authority (SNWA) applications for 50,000 acre feet of water in the Snake Valley. The Commissioners were very pleased with the results of the pre-trial hearing and felt it was important to be in attendance. Attorney Mark Ward argued on behalf of Millard County for a postponement of the water hearing. The Nevada State Engineer wanted the hearing held in January 2009. After hearing all arguments, including SNWA's agreement for a postponement, the state engineer ruled the hearing would not take place until the Fall of 2009. The Commissioners have hired a Nevada Water Attorney to help with the case. John Rhodes will work with Mr. Ward and County Attorney Richard Waddingham.

Snake Valley residents and three Indian Tribes, as well as their legal representatives attended and heard the legal arguments. Mark Ward petitioned the State Engineer concerning the air quality caused by Southern Nevada Water Pipeline proposed project.

Commissioner Walker attended a special safety meeting sponsored by Brush Resources. Chad Hymas was the speaker and shared his story of being paralyzed following an accident when a one-ton hay bale fell on top of his tractor pinning him for several hours.

Commissioner Walker met with Betty Jo Western to review the Millard County Fair, which will be held August 7-9. Highlights include a dinner and concert featuring the Lowe Family who entertains in Branson, Missouri. Lots of great exhibits, entertainment and fun ensure a successful fair.

On July 21, Commissioner Walker met with several delegates from Senator Bennett's Office along with the Millard County Economic Development Director Linda Gillmor. The purpose of the meeting was to determine the feasibility of the Senator sponsoring a Rural Business Conference in Delta in the Fall of 2009. Delta Area and Fillmore Area Chamber of Commerce will be invited to participate in the conference.

## PUBLIC INPUT

There was none.

## NOON LUNCH BREAK

Commissioner Smith made a motion to recess for lunch.  
Commissioner Walker SECONDED the motion. The voting was unanimous and the motion carried. The meeting closed for lunch at 1:15 p.m..

Commissioner Smith made a motion to reconvene the meeting.  
Commissioner Walker SECONDED the motion. The voting was unanimous and the motion carried. The meeting reconvened at 2:16 p.m..

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

Commissioner Smith made a motion to go into a closed executive session to discuss the character, professional competence or physical or mental health of an individual.

Commissioner Walker SECONDED the motion. The voting was unanimous and the motion carried. The closed session began at 2:20 p.m. and ended at 3:00 p.m.. The regular meeting reconvened at 3:05 p.m.

## OTHER BUSINESS

Commissioner Smith made a motion to appoint Randy Coats to serve on Special District Number 8 to replace Shan Carling.  
Commissioner Walker SECONDED the motion. The voting was unanimous and the motion carried.

A Quit Claim Deed will be signed and notarized from Millard County to Harold Beckstrand.

Commissioner Walker made a motion to appoint Verl Tolbert, Spencer Butler, Frank Vincent, Brandon George, Neuel Chlarson, Jim Nickle, Ross Stevens and Steve Hatch to the Millard County Grazing Board pending their acceptance.  
Commissioner Smith SECONDED the motion. The voting was unanimous and the motion carried.

Commissioner Walker rescinded a motion made on July 1 to appoint Sheryl Dekker as the County representative for UNEV and First Wind. Upon further consideration Commissioner Walker made a motion to appoint Bruce Parker as the County representative for UNEV and First Wind. Millard County Planner Sheryl

Dekker will receive a copy of all correspondence.

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

Treasurer John Hansen said that Millard County currently has \$26,000,000 in reserve money that is deposited in various financial institutions and in trust funds. Some of the money is obligated to different entities within the County. The money came from the whole group of taxpayers and it is owned by the taxpayers. When this money was set aside, it was to be used in times of need. It has generated annual interest in the past. In today's market, interest is very low. Millard County might consider some other ways to invest its money in lieu of the current economic conditions. The FDIC insurance only insures money up to \$100,000 and the State Treasury does not insure its money. The following are several options that were suggested to help protect the reserve money.

Not levy a tax rate (No one pay taxes in the General Fund for one year and use some of the reserve to make up the difference in the budget.) Afterwards the County would go through truth and taxation and set the rate back at .0032 percent.

This may be a good year to not issue a tax rate or to issue a reduced rate because every service district is asking for more money.

Use some of the money for capital expenditures (ie: public safety building roof, other building repairs and etc.)

Buy gold

A decision will have to be made before the October deadline for final tax notices. A decision to pursue any of these ideas needs to be done right away.

There was some discussion regarding public input in this matter.

**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 3:40 p.m..