

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 2ND DAY OF SEPTEMBER 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: Scott Corry Millard County Fire District
Brandy Grace Millard County Auditor
Jim Talbot Millard County Assessor
Marlene Cummings Fillmore City Recorder
Klint Penney East Millard Maintenance Supervisor
Sheryl Dekker Millard County Planner
Russell Cowley Six County Association of Governments
Todd Thorne Six County Association of Governments
Emery Polelonema Six County Association of Governments

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 month of September 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. Deputy Clerk Janice Robins read a quote from Charles Richards.

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

FOLLOW UP ACTION ITEMS FROM MINUTES OF AUGUST 19, 2008

Marlene Cummings reported that her son Daniel Cummings is doing good after the kidney transplant.

APPROVAL OF AUGUST 19, 2008 COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held August 19, 2008 were presented for consideration and approval. Following review and consideration of minor corrections

Commissioner Smith made a motion to approve the minutes of August 19, 2008, as corrected.

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

AUDITORS REPORT

Auditor Brandy Grace said that the property tax appeals are due on September 15, 2008 and said the dates for the Board of Equalization (“BOE”) hearings need to be set. The Board of Equalization hearings were scheduled to be held on September 17th in Delta and on September 19th in Fillmore beginning at 9:00 a.m.. If additional time is needed then a BOE hearing will be held on September 22nd.

The Commissioners made a decision to cancel the meeting on November 4, 2008 because it is an election day. A cancellation notice will be put in the newspaper by the Clerk’s Office.

Auditor Grace gave the Commissioners the Check Edit Report of August 29, 2008 to review and sign.

The Commissioners will send a letter out to the elected officials to schedule appointments to meet with them and the Auditor to discuss their budgets. The work meetings will begin on September 29th and 30th. The salary study will to be discussed with elected officials and department heads this week.

SCOTT CORRY-2009 FIRE SUPPRESSION BUDGET

Scott Corry, Millard County Fire District Chairperson, said he had visited with Fred Johnson, FMO in Richfield to get an idea of what Millard County's share of the fire suppression budget will be. The preliminary information he has received is that the actual cost of all the fires in 2007 will be used to compute the figures. The Dog Valley Peak fire and the Milford Flat fire will be part of the mix. The fire with the highest cost will be kicked out of the seven year average but it looks like Millard County's share will still be high. There is being proposed an increased tax levy on the November ballot to help pay for expenses. If it passes through truth and taxation then the levy will go to a level .000500. If the increased levy in the election does not pass, then Millard County will have to come up with part of the fire suppression money. Mr. Corry said that the Cooperative Fire Protection Agreement is with Millard County and not with the fire district. This has been a low fire year and there has only been one cost-share agreement signed. He gave the document that was signed by him to the Commissioners. The agreement will be on file in the Clerk's Office. Any additional cost share agreements will need to be signed by one of the Commissioners.

Mr. Corry said that it is getting harder and harder to get volunteers and there are more mandated regulations for those who do volunteer. This creates staffing problems for the local fire departments and without the fire departments there will be no fire insurance in the County. The time is rapidly coming when the departments will no longer be staffed by volunteers, a change that would cost our county a lot of money.

Mr. Corry said he needs the fire suppression figures as soon as possible in order to have time to submit his budget(s). He said he has met with reporter Dean Draper to discuss an article in the newspaper about the pros and cons of the increased tax levy that will be on the November ballot.

Commissioner Cooper said there are task force fire meetings scheduled where they will try to get the message that the Milford Flat fire was paid for by FEMA and should not be included in the mix.

DESIGNATION OF A REPRESENTATIVE(S) TO APPROVE VOLUNTEER SERVICE

Attorney Richard Waddingham read the law regarding volunteer service and said at the UCIP Conference the counties were encouraged to designate representatives to approve any type of volunteers used by the county. He suggested the designation of :

1. The Commissioners
2. The Auditor's Office
3. Captain Forrest Roper - Sheriff's Office

A list of the volunteers and their service assignments should be kept by the personnel office. If a list of volunteers is maintained and the state law is followed then if a volunteer is hurt, he/she would be eligible to receive only the medical benefits associated with Workers Comp.

A training meeting will be set up with the Commissioners, Auditor Grace, Attorney Waddingham, Sheriff Dekker and Forrest Roper to work on a list of volunteers, make sure everyone understands the approval process, how to handle volunteers in an emergency and when a background check is necessary.

REVIEW AND POSSIBLE APPROVAL OF RESOLUTION 08-09-02, A RESOLUTION OF THE MILLARD COUNTY COMMISSION TO SUPPORT AN INCREASE OF THE MAXIMUM TAX LEVY FOR THE MILLARD COUNTY FIRE SERVICE DISTRICT FROM .000312 TO .000500 FOR THE PURPOSE OF PROVIDING FIRE PROTECTION SERVICES WITHIN THE BOUNDARIES OF SAID FIRE SERVICE DISTRICT

Commissioner Smith made a motion to approve Resolution 08-09-02, a Resolution of the Millard County Commission to Support an Increase of the Maximum Tax Levy for the Millard County Fire Service District from .00312 to .000500 for the Purpose of Providing Fire Protection Services Within the Boundaries of said Fire Service District.

Commissioner Walker SECONDED the motion. Clerk Norma Brunson called for a roll call vote on the motion. Commissioner Smith voted YES.

Commissioner Walker voted YES. Commissioner Cooper voted YES. The voting was unanimous and the motion carried.

REVIEW AND APPROVAL OF ORDINANCE NO. 08-09-02, AN ORDINANCE OF THE MILLARD COUNTY COMMISSION AMENDING TITLE 6 OF THE MILLARD COUNTY CODE BY ENACTING A NEW CHAPTER 6 ENTITLED "REGULATION OF LARGE PUBLIC ASSEMBLIES"

This item was tabled.

REVIEW AND POSSIBLE APPROVAL OF ORDINANCE NO. 08-09-02A, AN ORDINANCE OF THE MILLARD COUNTY COMMISSION TO REPEAL AND REPLACE SURPLUS PROPERTY

This item was tabled.

REVIEW AND POSSIBLE APPROVAL OF THE OFFICIAL'S BOND

Attorney Richard Waddingham said there is a certain individual in the county that requests a long list of information each year. One item he requests concerns the bonds. When comparing the current state law with the County Ordinance on Bond Requirements, it appears that some requirements in the County Ordinances are no longer necessary. He suggested a new ordinance be drafted repealing Section 1-6-3 of the Millard County Code. According to Section 52-1-3, Utah Code Annotated, officials oaths and bonds of county, precinct and district officers shall be filed with the county clerk, except those of the county clerk which shall be filed with the county treasurer.

PUBLIC HEARING TO RECEIVE PUBLIC COMMENT ON A ZONE CHANGE (MAP) APPLICATION BY HIGHLINE DAIRY (ROBERT E. BLISS AND MICHAEL BLISS) FOR PROPERTY LOCATED APPROXIMATELY 10 MILES SOUTHEAST OF DELTA NEAR HIGHWAY 50, SECTION 5, T19S, R5W, SLB&M. 640 ACRES

Commissioner Walker made a motion to enter into a public hearing to hear comment on a zone change for Highline Dairy (Robert E. Bliss and Michael Bliss.)

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

Commissioner Cooper called the public hearing to order at 11:16 a.m.

Present were: Sheryl Dekker and Klint Penney.

Sheryl Dekker, Millard County Planner, showed the Commissioners a map of the Bliss Dairy and said the proposed zone change was desired to allow Robert E. and Michael Bliss to build a dairy in another location.

Commissioner Walker made a motion to close the public hearing because there was no further comment.

Commissioner Smith SECONDED the motion. The voting was unanimous and the motion carried. The public hearing closed at 11:19 a.m..

The regular meeting reconvened at 11:19 a.m..

REVIEW AND POSSIBLE DECISION REGARDING MILLARD COUNTY PLANNING COMMISSION APPLICATION #Z-2008-017, BY HIGHLINE DAIRY (ROBERT E. BLISS AND MICHAEL BLISS) - AN APPLICATION

FOR A CHANGE TO THE OFFICIAL MILLARD COUNTY ZONING MAP FOR AG-20 TO AI (AG INDUSTRIAL) FOR PROPERTY LOCATED APPROXIMATELY 10 MILES SOUTHEAST OF DELTA NEAR HIGHWAY 50, OR MORE PARTICULARLY DESCRIBED AS: SECTION 5, T18S, R5W, SLB&M. 640 ACRES

Commissioner Walker made a motion to approve Ordinance No. 08-09-02B, An Ordinance of the Millard County Commission Amending the Zoning Map of Millard County to Reclassify Certain Property from Agricultural to Agricultural Industrial.

Commissioner Smith SECONDED the motion. Clerk Norma Brunson called for a roll call vote on the motion. Commissioner Smith voted YES.

Commissioner Walker voted YES. Commissioner Cooper voted YES. The voting was unanimous and the motion carried.

OPEN BIDS FOR RE-PLASTERING THE EAST MILLARD SWIMMING POOL-KLINT PENNEY, EAST MILLARD MAINTENANCE

Klint Penney, East Millard Maintenance Supervisor said that he had received four telephone bids for doing a complete rip out and re-plastering of the East Millard Swimming Pool. Attorney Waddingham listed the bids on the board.

Name of Company Bid Amount

Saffer Pool \$46,816.00

Larson Pool \$54,669.00

Babbit \$30,000.00

Johansen \$48,140.00

Commissioner Walker made a motion to accept the bid of \$48,140.00 from Johansen to re-plaster the swimming pool even though Mr. Johansen is not the lowest bidder. The motion is based upon the following facts:

Johansen does quality work and it is guaranteed five years

Johansen was recommended by Mr. Penney, maintenance supervisor and Terri Cummings, pool manager

Johansen has proven success in the County

Johansen did the original plaster work on the pool; and

Based on past experience it constitutes the best value for the County

Commissioner Smith SECONDED the motion. Commissioner Smith and Commissioner Walker voted yes. Commissioner Cooper recused himself. The motion carried.

REVIEW AND POSSIBLE RENEWAL OF CONTRACT WITH SIEMENS FOR POOL AUTOMATION SYSTEM-KLINT PENNEY, EAST MILLARD MAINTENANCE

Commissioner Walker made a motion to approve the contract with Siemens for the pool automation system and for Commissioner Cooper to sign the contract, subject to review by Attorney Waddingham.

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

EMERY POLELONEMA-SIX COUNTY ASSOCIATION OF GOVERNMENTS (“AOG”)-CIB LIST

Russ Cowley, Emery Polelonema and Todd Thorne from Six County AOG came before the Commissioners to discuss the CIB list. They will be going out to the cities elected officials to get updates on its projects. They will report back to the Commissioners by mid October or November.

Todd Thorne has recently been hired as the CDBG Administrator. He will be in charge of making the master plans including finishing up the five-year plan next year. He said that money is going to be available to help with foreclosures and transportation projects. Mandatory meetings have been scheduled for September 22 in the auditorium of the courthouse in Richfield at 1:00 p.m. or 4:00 p.m. for the entity’s representatives and for those who are applying for funding.

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

Commissioner Smith reported that a county is responsible for the cost of committing a county citizen to the state mental hospital. The person has the right for a civil competency hearing before a Judge within a day after he/she is committed. An attorney in Salt Lake City is willing to give legal counsel to the citizen through a contract with each county individually or together as a group through the Central Utah Counseling. Millard County thinks that the six counties going together would be a better plan. Commissioner Smith said that Brian Whipple has been appointed to be the Central Utah Counseling Director with a one year contract.

All three Commissioners and Millard County Auditor/Human Resources Officer Brandy Grace met with the salary consultant Mike Swallow. The day long session established grades for several county positions with some elected officials involvement. The process will continue this week. Once all positions

have been assigned a grade, a pay-scale using a step system will be developed.

Commissioner Walker visited Raser Technology near Minersville in Beaver County with County Planner Sheryl Dekker and County Economic Development Director Linda Gillmor. The geothermal plant is planned to have a gross capacity of 13 MW and will transmit 10-11 MW to Anaheim, California, powering about 9,000 homes. The remaining MW will power plant usage. Raser expects to have all 50 generating units ready for service this Fall. Another phase is being planned in the same geothermal field. The projects are being constructed on SITLA ground and when completed will take about seven acres for each phase.

Raser Technology has applied for a permit on SITLA ground in Millard County, but because they are currently in the permitting process the location is not public.

Commissioner Walker attended the Millard County Care and Rehabilitation, Inc. ("MCCR") board meeting. There are currently 37 residents with seven new admissions, four discharges and three Medicare residents. The goal set by the Board of Directors is to have the MCCR self-sustaining within five years. The Board is undertaking a variety of tasks and making efforts to promote the Center and educate County residents about the high-quality of care available for long-term care and rehabilitation.

Jeff Christensen, Administrator, is working on a newspaper article, which includes statements about the care center. An advertisement for the care center is also on the Manti radio station.

Commissioner Walker attended the Leamarado Days celebration last weekend.

Commissioner Cooper attended the Central Utah Public Health Department meeting. It is working to educate students and teachers in the public school about TB. A proposal was made by Linda Stephenson, who represented some of the employees for Central Utah Public Health, to go to a four-day work week. A committee was set up to review the issue.

Commissioner Cooper attended the rodeo meeting and appreciated the work of the rodeo committee.

Commissioner Smith attended the "Singing Children of Africa" in the Delta City Park. There was a good turn out and it was a positive experience for the citizens of Millard County. Deb Haveron, Millard County Tourism and Gary Church were acknowledged for their work with the event.

All the Commissioners reported that they have received a lot of public comment about the money Millard County has in reserve. Most of the citizens were in support of the county keeping the money in reserve to be used in case of an emergency.

Attorney Richard Waddingham said in regards to the contract with Tradition's Health Care, Inc. ("Traditions") that Traditions corporate attorney, Barry Clarkson, who prepared the paperwork to incorporate MCCR, had written a letter to Utah Retirement Systems' attorney, stating that Millard County, in an effort to provide an additional level of liability protection, as well as to create a clear financial distinction between the County itself and the ownership and operation of the Facility, asked that a Utah non-profit corporation be created for the purpose of owning and operating the Facility. The request was made through Traditions. Mr. Clarkson also said that the entity is wholly owned by Millard County and each employee providing service in the Facility is an employee of the entity. This way, the employees would qualify for state retirement. There was some discussion as to the entity being "wholly owned" by the County. However, the Commissioners agreed that this was the way they wanted it in order for the MCCR employees to receive retirement benefits.

Attorney Waddingham said that a UAC attorney was reviewing the public defender's contract. UAC's attorney will be sending Millard County a letter stating his opinion of the contract.

OTHER BUSINESS

A letter was sent from the Utah State Tax Commission to Millard County Assessor concerning changes to the tax roll. See Exhibit A.

Fillmore City Recorder Marlene Cummings asked about Fillmore City's law enforcement contract. Attorney Waddingham said that the contracts will be mailed this week to both Fillmore City and Delta City. The contracts show a 5 percent increase and the effective date is from 7-1-2008 through 6-30-2009. The next contract with the effective date 7-1-2009 through 6-30-2010 will be based on the consumer price index and after that there will be negotiation.

Commissioner Cooper asked Klint Penney to have the jail crew remove the rocks from the arena before the State Riding Club Meet next weekend.

County Planner Sheryl Dekker and Attorney Waddingham will make sure all the new Millard County Ordinances are sent to Sterling Codifiers.

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 1:55 p.m..

Attest: _____

Approved: _____

*Additional documents presented at this meeting are available upon request at the Millard County Clerk's
Office*

September 2, 2008 documents:

*Letter: To Jim Talbot, Millard County Assessor, from Denny Lytle, Director Property Tax Division of the
Utah State Tax Commission dated August 21, 2008.*