

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 29th DAY OF SEPTEMBER 2009
AT THE COURTHOUSE, FILLMORE, UTAH

PRESENT: Kathy Y. Walker Chairperson
Daron P. Smith Commissioner
Bart A. Whatcott Commissioner

Richard Waddingham County Attorney
Norma Brunson County Clerk
Marki Rowley Deputy County Clerk

ALSO PRESENT: Dana Carling Citizen
Lynette Madsen Mayor of Meadow
Mel Bolling US Forest Service
Connie Hansen County Recorder
Sherri Callister Days of the Old West
Jeff Christensen Millard Care and Rehabilitation
Bryan Erickson Traditions Health Care
Brandy Grace County Auditor

PURSUANT TO AN AGENDA WHICH HERETOFORE HAD BEEN
PROVIDED TO

each member of the governing body, posted at the principal office of the Millard County Commission, posted on the Utah Public Notice Website, and provided to the Millard County Chronicle Progress, a newspaper of general circulation within Millard County, 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 Walker to the public and Commission members.

OPENING STATEMENTS

Commissioner Walker asked if anyone had an opening statement to give. Commissioner Whatcott read a few quotes from Mark Twain, "Always do right. This will gratify some people and astonish the rest." "Be careful about reading health books. You may die from a misprint." "A lie can travel half way around the world when the truth is still putting on it's shoes" Commissioner

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

SIGNING MILLARD COUNTY CLASS B ROAD EASEMENT WITH SITLA

Commissioner Smith made a motion to sign the Millard County Class B Road Easement with SITLA that will give the county a legal right of way to the roads that the County maintains across SITLA property.

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

POSSIBLE SIGNING OF THE CONTRACT WITH ROCKY MOUNTAIN ATRIUMS

Attorney Waddingham talked to Ryan Maynes and told him that the contract is ready to be signed. Mr. Maynes said that he will have all the required bonds and workers comp in place before he starts the project.

Commissioner Whatcott made a motion to approve the contract with Rocky Mountain Atriums and once the required bonds and workers comp are in place authorize Commissioner Walker to sign the contract with Rocky Mountain Atriums for the replacement of the East Millard swimming pool atrium roof. Commissioner Smith SECONDED the motion. The voting was unanimous and the motion carried. ***need copy when signed***

DISCUSSION AND POSSIBLE APPROVAL OF A CONTRACT WITH USGS FOR COOPERATIVE ASSESSMENT OF WEST DESERT WATER FLOW

This is a US Geological survey with a joint funding agreement and will be a three year project. The total project cost for this year is \$30,800. The County received a grant in the amount of \$15,400 from CIB. USGS is going to pay \$12,320 and Millard County's match money portion will be approximately \$3,000.

Commissioner Smith made a motion to approve the contract with USGS for cooperative assessment of West Desert water flow.

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

DISCUSSION ON PROPOSED SPEED LIMIT INCREASE ON STATE ROAD 133, LYNETTE MADSEN AND DANA CARLING

Lynette Madsen, Mayor of Meadow, and Dana Carling came before the Commissioners to ask for their continuing support with the opposition to the speed limit increase on SR133 from Meadow to Kanosh. Dana Carling was heavily involved in the opposition to the possible speed limit increase when it was brought up about three years ago.

According to the surveys done on this road increasing the speed limit will only increase travel time by about 45 seconds between Meadow and Kanosh. The risks of increasing the speed limit would be much greater to the residents of Meadow, the children who ride the school bus, the livestock and the farmers who work and drive farming equipment on this road.

Ms. Madsen said that if the speed limit is increased, the majority of the drivers would drive at least 5 miles over that speed limit. There is a lack of patrol cars patrolling this road and drivers are aware of this, so most are already driving over the speed limit.

The increase of the speed limit would increase the temptation of drivers to speed through Meadow, making it unsafe for pedestrians to cross the road. Dana Carling expressed concern for her family. She said that a wreck occurred in front of her home, which is located on SR133. She said if that car would have been traveling in the opposite direction she feels that it would have crashed right into her livingroom, which is where she and her family were at the time of the wreck.

Both Lynette Madsen and Dana Carling said that they would also like to see the speed limit on Meadow's main street decreased from 40 mph to 35 mph.

Commissioner Whatcott made a motion to continue the Commissions' support with the opposition to the speed limit increase on SR133.

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

OTHER BUSINESS

Mel Bolling, US Forest Service, presented a bid confirmation from Steve Rodriguez for the Commissioners to sign. (This was a contract that was approved in a previous meeting.)

He gave the Commissioners a copy of the burned area emergency rehabilitation report for the Saw Mill fire.

He also made the Commissioners aware that there may be some additional funding available at a 50/50 match for the county to help with the treatment of noxious weeds.

Commissioner Smith said that the county received a copy of the NRCS water shed management plan for the Oak Creek area.

Commissioner Walker asked Mel Bolling if he was aware of the closures of Oak City canyon and campground. Mr. Bolling said that the Forest Service is putting in a new bridge from the main road into the campground. The canyon road should be open now and the campground will be open in about ten days or as soon as the bridge is finished.

Commissioner Whatcott mentioned that the farmers and ranchers are wondering about the new vegetation planted that was destroyed due to the Saw Mill fire. Mr. Bolling said that the Forest Service will be meeting with the affected private property owners in Scipio on October 5 at 10:00 a.m.

Recorder Hansen said that they have completed the surveys on the corners for this year and will extend the contract for the surveyor. She also reported that the surveyor reviews the annexation plans and the new law now requires that a certified surveyor sign the annexation plans when they review them. Two annexation plans have been approved and one still needs to be fixed before it is approved.

Commissioner Smith said that he talked to Jim Edwards who said they have been hired by First Wind to do a bunch of surveys and identify corners for a private entity. They would make that information available to Millard County and it wouldn't cost the county anything because they are being paid by a private entity.

Recorder Hansen said that they should be submitting the information through the survey filing. By law, every surveyor is supposed to be filing their survey with the Recorder's office. If the information is good, Recorder Hansen will record it.

Commissioner Smith mentioned that on the county line between Beaver and Millard counties the corners are not correct and he hopes that this issue will be resolved.

JEFF CHRISTENSEN, REPORTING ON THE STATUS OF MILLARD COUNTY CARE CENTER

Jeff Christensen, Millard Care and Rehabilitation (MC&R) Team Leader, said that the residents come first at MC&R. MC&R is a non-for profit government corporation.

The structures of the building are in good shape. They are needing to replace some capital items. The Board of Directors and Millard County have been supportive of the capital items on a year to year basis. As they start to wear out, they will replace them.

Bryan Erickson, CEO Traditions, said that MC&R was budgeted to lose \$181,868.28 in 2009. Year to date (YTD) MC&R has only lost \$4,152.60. Cash wise, they have not needed to draw upon any outside sources to fund operations or to pay bills or to make payroll. They are very happy with this and that was their goal all along. They are very grateful that the county and the citizens are supportive of the care center. Management by Traditions Health Care of the MC&R has saved county tax payers approximately \$800,000 per year.

Mr. Christensen said that one of the questions asked was whether the quality would slide if the financials improve. He says that the facility has gone from fair to great pursuant to the quality indicators. The quality indicators have improved. They have gone down from 10 to 7 and they fluctuate from 5-7. The state survey is another indication of the quality. Last year they had two deficiencies when the state average was almost 6 and this year they had 3 deficiencies when the state average is 7. They have hired Pinnacle Consulting to do their customer satisfaction reports. As of June 30, they have won 13 of 15 best in class awards from Pinnacle Consulting.

The employee turnover rate is good. Urban facilities in Utah average above 70% turnover rate Rural facilities average above 45% turnover rate MC&R is averaging 35% turnover rate YTD.

The census history report proves that MC&R is progressing very well.

They participated in a campaign sponsored by the Rodeo Club called "Tough enough to wear pink". They purchased a pair of \$800 chaps to help raise awareness for cancer and also to hopefully get the word out about the care center. The Chaps sold for \$1400 and on Sunday they were able to place a 125 gallon aquarium for the dementia unit in the care center. The residents sure love this new addition. Commissioner Walker is hoping to see something similar put in on the other side of the care center. Overall MC&R is doing very well.

DAYS OF THE OLD WEST RODEO REPORT

Sherri Callister, Days of the Old west Rodeo, gave figures from 2008 to give the Commissioners an idea of what the increases or decreases were and in what areas:

2008 2009

At the gate they made \$4,090 \$5,230
Friday night's performance \$4,497 \$5,864
Saturday night's performance \$6,149 \$7,191
Total at the gate \$14,736 \$18,285
Sahara Motor ticket sales \$1,856 \$2,154
IFA ticket sales \$3,723 \$2,918

In the 11 years that Ms. Callister has been helping with the rodeo committee she has seen at least a 10% increase in sales every year.

Concessions \$750

Snow cone \$300

Misc vendor \$300

The charge for a vendor to be brought into the arena is \$100 a night. Any profit made beyond that is the vendor's to keep.

There were 233 programs sold which brought in \$466. A share of this amount went to the people who made the programs.

The Poker run was a huge success. It brought in \$1800. There was a lot of requests for this event to be brought back next year. The Poker Run was a horse ride that the Rodeo Club sponsored up in Oak City Canyon. It was about a 5 hour ride up in the Ponderosas. A group of ladies from the Ogden area participated and said that they would be back next year with a lot more people to participate.

Ms. Callister said that they have an incredible committee. She said that she would like to attribute a lot of that to Scott Damron who was a real go getter and who was willing to put a lot of time and effort into the committee. She said that each committee member has different aspects which they are good at and they all have good ideas. They work together to accomplish what is needed. She said that they have been doing great with sponsorship. They have people calling and asking them for a sponsorship and that is big.

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

Commissioners Walker, Smith, Whatcott and County Attorney Waddingham met with members of Utah's Negotiating Team along with Juab County Commissioners Chad Winn and LaWayne Walker. The focus was on Millard County's position on the Snake Valley Water Draft Agreement, which Juab County supports. The meeting took place in Nephi.

On September 1, Millard County presented its concerns, which center on water division, timing and scope of the proposed draft water agreement in Snake

Valley, to Governor Herbert at the State Capitol.

On September 2 and September 3, the Commission held public property tax workshops in Fillmore and Delta. (See September 15, 2009 commission minutes.)

All three Commissioners participated in public hearings in Delta on September 8, on the Snake Valley Water Draft Agreement. Persons commenting expressed near unanimous opposition to the draft agreement and support for Millard County's position. A written transcription of all public comment was presented to Governor Herbert directly and to Department of Natural Resources Director Mike Styler.

Commissioners Walker and Smith commented on the water draft agreement on September 9, in Salt Lake City sponsored by Utah Association of Counties (UAC) and Great Basin Water Network. Those attending expressed near unanimous opposition to the draft agreement and support for Millard County's position.

On September 10, Commissioner Smith attended the Executive UAC committee meeting. Afterwards, Commissioners Walker and Smith participated in UAC board meeting.

Commissioners Walker and Smith, along with UAC Public Lands Counsel Mark Ward, met with the Deseret News editorial board to present the County's position on the Snake Valley Water Draft Agreement.

Editorials supporting the County's position appeared in the September 20 Deseret News editorial. Also, a Salt Lake Tribune editorial appeared September 18, supporting Millard County. The Tribune switched it's earlier position.

Others that support Millard County are: Salt Lake County Mayor Peter Corroon, Juab, Tooele and Utah County Commissioners.

On September 15, the Salt Lake County Council approved a bi-partisan unanimous resolution supporting Millard County. Also, support was given by Utah Farm Bureau and past resolutions by the Utah Legislature and UAC.

All three Commissioners participated in Board of Equalization in Delta and Fillmore on September 16, 17, and 18.

On September 23, Commissioners Smith, Whatcott and Walker met with Governor Herbert, UAC Executive Director Brent Gardner, UAC Counsel Mark Ward, DNR Director Mike Styler and Public Lands Policy Office (PLPO) Director John Harja. The Commissioners presented their proposed counter-offer, asking the State to present the offer to the State of Nevada.

On September 23 and 24 all three Commissioners attended USACCC fall

conference in Park City. Commissioners Walker and Smith left following the day-long workshop on September 24. Commissioner Whatcott stayed for the final day on September 25.

Commissioners Walker and Smith were appointed to the Snake Valley Aquifer Advisory Council. The council is chaired by John Harja, PLPO Director. Members of Snake Valley Aquifer Advisory Council include Salt Lake County Mayor Peter Caroon; Don Anderson, Callao Rancher; Ken Hill, Callao; Rupert Steele, Chairman Confederated Tribes of the Goshute Indian Reservation.

The council's first meeting, after being notified of appointment earlier that week, was held September 25 at the Border Inn, on the Utah/Nevada border. Governor Herbert was also in attendance. The Governor asked each member what item was important for discussion in upcoming meetings. Commissioner Smith said environmental concerns and Commissioner Walker asked that division of water be explored. Governor Herbert said he would not rush into an agreement, but cautioned that not everyone would be happy and that compromises were necessary.

On the afternoon of September 25 in Delta Utah, Governor Herbert held an informal public meeting. Commissioners Walker and Smith attended. Those attending, approximately 40 people, told Governor Herbert similar comments heard at all public meetings throughout the month.

Commissioner Whatcott met with Larry Gray, Southwest Regional Manager, and other board members who are working on keeping the Territorial State house open. They are discussing how to acquire money to build new restrooms onto the POD and how to promote the State House Museum. They have scheduled a meeting on October 19 with the new Lieutenant Governor, Greg Bell. They are scheduling a walkthrough of the State House Museum, and will discuss with him the issues that have surrounded the museum and what they are doing to improve attendance.

Commissioner Whatcott had a meeting with Wade Garrett in Congressman's Chaffetz office regarding the Saw Mill Fire by Scipio. Congressman Chaffetz wanted to know how many acres had been burned, cost estimates on rebuilding and Commissioner Whatcott's thoughts regarding this issue. They also discussed his stand on the Red Rock Wilderness issues. He requested some bullet points on what Commissioner Whatcott considered important. Commissioner Whatcott drafted a letter, faxed it and also e-mailed it to his office. A copy of the letter is on file at the Millard County Clerk's office.

Commissioner Smith said that at the conference held in Park City there was discussions on jail funding and law enforcement on federal grounds and who has the authority in the county to enforce the law on federal lands. The County Sheriff has the authority. (Attorney?) They also discussed the Transient Room Control Convention (TRCC) and the open meetings law. The conferences are always very good UCAC does a good job in provided the training and topics that the Commissioners need to know. They are very informational and good at keeping them up to speed.

Attorney Waddingham said that he is returning a check to the county that was for deputy county attorney billing that should not have been charged to the county.

APPROVAL OF SEPTEMBER 15, 2009 COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held September 15, 2009 were presented for consideration and approval. Following review and consideration of minor corrections Commissioner Whatcott made a motion to approve the minutes of September 15, 2009, as corrected. Commissioner Smith SECONDED the motion. The voting was unanimous and the motion carried.

BOE: DECISIONS

This was tabled until after lunch.

A recording of this meeting is on file at the Millard County Clerk's office.

PUBLIC INPUT

There was none.

AUDITOR'S REPORT

Auditor Grace presented the check edit from September 28, 2009 for the Commissioners to review and sign.

She received a records request from Jonathan Dorwart, Wikstrom Economic and Planning Consultant Inc., regarding the TRCC revenue. It was decided that she should respond to Mr. Dorwart that Millard County does not impose the TRCC tax.

She received notification of termination from USA Mobility who had a rental agreement on the Scipio tower.

She received a call from Ashley from Governor Herbert's office asking about the Forest Service money regarding the decision of how that money will be used. It was decided that Commissioner Smith will call her back.

Auditor Grace presented the Commissioners with a request for a purchasing card for Sheryl Young who is the Extension Office secretary. The Commissioners denied the request due to the lack of information provided as to why it would be necessary for her to have a purchasing card.

POSSIBLE APPROVAL OF HARDSHIP ABATEMENT APPLICATIONS

Auditor Grace presented the commissioners with hardship abatement applications for Bruce Bowcutt, account number 0073776; Ronald Stephenson, account number 0136532; Joan Durbin, account number 0122292.

Commissioner Whatcott made a motion to abate 40% of Ronald Stephenson's property taxes.
Commissioner Smith **SECONDED** the motion. The voting was unanimous and the motion carried.

Commissioner Whatcott made a motion to abate 40% of Bruce Bowcutt's property taxes.
Commissioner Smith **SECONDED** the motion. The voting was unanimous and the motion carried.

Commissioner Whatcott made a motion to abate 20% of Joan Durbin's property taxes.
Commissioner Smith **SECONDED** the motion. The voting was unanimous and the motion carried.

TREASURER'S REPORT

There was none

OTHER

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

There was none.

WORK MEETING TO DISCUSS INSURANCE OPTIONS - MICHAEL
SHARP

This discussion took place during the noon lunch break. This discussion was to gather information. No decisions were made and no public funds were expended.

WHERE UPON THE MEETING ADJOURNED

Commissioner Smith made a motion to adjourn the meeting.
Commissioner Whatcott **SECONDED** the motion. The voting was unanimous and the meeting adjourned at 12:17 p.m..

Attest: _____

Approved: _____