

MILLARD COUNTY THE 4th of APRIL 2005
AT THE COURTHOUSE, FILLMORE, UTAH

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

LeRay Jackson County Attorney
Janice Robins. Deputy County Clerk

PURSUANT TO AN AGENDA WHICH HERETOFORE HAD BEEN PROVIDED TO each member of the governing body, the local news and located on the front and back doors of the County Courthouse as required by law the following proceedings were had.

COORDINATION SESSION

The Commissioners scheduled events for April 2005.

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

FOLLOW UP ACTION ITEMS FROM MINUTES OF MARCH 28, 2005

There were none.

APPROVAL OF THE AMENDED MINUTES OF MARCH 28, 2005

Commissioner Walker made a motion to approve the amended minutes of March 28, 2005. Commissioner Smith SECONDED. The voting was unanimous.

AUDITORS REPORT

Auditor Brandy Grace gave the Commissioners various invoices to authorize payment through the Auditor's Office. An invoice from White Brother Sales for eight CERT trailers @ \$2,791.00 a piece totaling \$22,332.00 was turned in. An additional invoice for painting signs on both sides the trailers will be coming in from Salt Creek Sign @ approximately \$100.00 per

side.

An invoice for \$174.98 from Utah Associations of Counties was reviewed. The invoice is for a percentage of PILT funds received by Millard County. This is a second billing because the Commissioners had questioned the first billing why this fee wasn't included in the UAC annual dues.

Auditor Grace gave the Commissioners the Check Edit Report of April 1, 2005 to review and sign. The April 1, 2005 Check Edit Report was signed.

Auditor Grace asked the Commissioners to discuss the Millard County Care Center's support from Millard County. She handed out a Review of Extended Care Support Expenses she had prepared. (See Exhibit A). The Auditor expressed concern that the report shows a steady increase in the care center's expenses for the past fifteen years. She said the 2005 MCCC budget was not increased because it was believed that the increased revenues would off set the costs. The projected expenses to Millard County for 2005 is \$750,000. Auditor Grace wanted the Commissioners to be aware of the trend and what will happen to tax rates this fall if the trend continues.

The Commissioners had recently made a decision to continue to fund the care center and hold the empty beds for Millard County residents. The average resident increase is one bed per month and they are hoping that some time next year the center should be full. The average length of stay of a resident is fifteen years.

Commissioner Walker reported on figures from a meeting with Nancy Schmid at the MCCC

• Total Net Revenue	\$318,706.00
• Operating Revenue	\$323,762.00
• Bed Tax Paid Sent in Jan/ Feb 2005	\$ 83,788.44
• Total Expense for Jan/Feb 2005	\$475,894.00
• Less Bed Tax	- \$ 83,788.44
• Total Operating Costs	\$392,105.58

The center has a contract with IHC for laundry and dietary services.

Revenue for laundry	\$2,807.00
Revenue for dietary	\$3,433.00

Treasurer John Hansen suggested that they may want to evaluate the number of empty beds at the MCCC and fill them anyway they can to help defray costs. With Millard County revenues decreasing, expenses need to be cut. Filling some of the beds with out of county patients may help decrease the expenses. The Commissioners will set up a meeting to discuss and find solutions to the concerns at the Millard County Care Center with Nancy Schmid, MCCC Director, Chris Thompson, IHC accountant, Attorney Jackson, Auditor Grace and Treasurer Hansen.

Commissioner Cooper received a letter from Central Utah Public Health Department telling of Millard County's quarterly assessment of \$13,572.50 is due. Millard County also pays:

Additional pay agreement for public health nurses salary	\$5,266.39
Rent agreement for Delta Office	\$1,800.00
Secretary agreement in Fillmore Office	\$9,084.29 (\$3,633.72 is due now).

Commissioner Walker made a motion that Millard County has an obligation to pay CUPHD the assessed amounts. Commissioner Smith SECONDED. The voting was unanimous. The motion carried. Commissioner Cooper gave the letter to Auditor Grace. A copy will be on file in the Clerk's Office.

GEORGIA HARE - FUNDING REQUEST FOR UNIVERSITY OF UTAH SUMMER SCHOOL SCHOLARSHIPS

Georgia Hare said that traditionally four people from Millard County have gone to the University of Utah Summer School on Alcohol and Other Drug Dependancies. The state will pay one half of the fees. The amount they are asking Millard County for is \$1,016.00.

Commissioner Walker made a motion to approve \$1,016.00 for tuition to the University of Utah Summer School on Alcohol and Other Drug Dependancies. Commissioner Smith SECONDED. The voting was unanimous. The motion carried.

Mrs. Hare was thanked for the work that she is doing.

UTAH SHARED ACCESS ALLIANCE AND BLUE RIBBON COALITION - DERK BECKSTRAND PRESENTATION FOR WILDERNESS PORTION OF UPCOMING LAND USE LITIGATION

Derk Beckstrand presented some ideas from Utah Shared Access Alliance and Blue Ribbn Coalition they plan to present at the next Millard County Comprehensive Land Use Plan meeting. Mr. Beckstrand had sent a draft of the plans to the Commissioners for review. Mr. Beckstrand said that the group recognizes certain problems with the standing of Wilderness Designation Proposal of 1964. In the Millard County Land Use Plan it was stated that the main priority of the meeting is protection of the land. Mr. Beckstrand said that there are certain areas the Wilderness Designation that are insufficient.

Commissioner Smith said this is the kind of proposal they have ask people to come up with and have the committee review along with other people's view points. In the end the ideas will be put together and taken to the legislature. Commissioner Smith said Greg Stumph has a proposal for specific recreation areas and suggested that they look at each other's plan. The Commissioners met with Representative Chris Cannon and found he was rather negative about the land use issues. Senators Bennett and Hatch are more supportive of the effort. Mr. Beckstrand will be put on the agenda for the next Millard County Comprehensive Land Use Plan meeting.

CALLIE PETERSON - SHERIFF OFFICE AMBULANCE ABATEMENT

Callie Peterson, Sheriff's Office, had received an ambulance bill from First Professional Billing for a lady killed in a car accident on July 18, 2004 west of Delta. The lady's boy friend and a small boy were also involved in the accident. The lady's ambulance bill of \$657.35 for transportation to the Delta Hospital remains unpaid. The Commissioners discussed the request and in an effort to get a payment made, they asked Callie Peterson to try the contact the lady's family in Colorado to get the bill paid. Mrs. Peterson will report back her findings to the Commissioners.

DISCUSSION ON THE PROPOSAL TO JOIN THE WESTERN COUNTIES ALLIANCE PROPOSED BY MARK WALSH

On March 28, 2005 the Commissioners met with Mark Walsh from Representative Cannon's Office to discuss the benefits of the Western Counties Alliance. The WCA is a non profit organization established for the purpose of giving Western Counties greater influence on federal policies in support of balanced, multiple use management of the public lands and natural resources. Additionally, WCA supports responsible economic development, reasonable and sensible environmental protection.

Currently, there are public land laws and policies which treat public land states and counties as though they are second tier even subservient to the interests of their non public land peers. WCS seeks to redress these inequities.

There is no more glaring inequity than the lack of tax base caused by the large holdings of tax exempt property owned by the federal government. Efforts to ease these burdens fall short because of congressional under funding of payments-in-lieu-of taxes (PILT). WCA will seek full funding for PILT) In Millard County full funding will mean \$1,067,073 instead of \$722,764 received in 2004, which is 67% of the full amount owing.

Eleven counties are ready to join the alliance. The efforts of the WCA would be a proactive approach to land use and the Commissioners think it would be worth supporting.

Commissioner Walker made a motion to sign the proposal to join the Western Counties Alliance and pay the \$7,500.00 annual fee from the Public Land Budget. Commissioner Smith SECONDED. The voting was unanimous. The motion carried. The document was signed and given to Auditor Brandy Grace.

RATIFY THE SIGNING OF THE HOLD HARMLESS AGREEMENT BETWEEN MILLARD COUNTY RECREATION AND THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS

Commissioner Smith made a motion to ratify the signing of the Hold Harmless Agreement Between Millard County Recreation and the Church of Jesus Christ of Latter-Day Saints and pay the \$120.00 due and asked for a discussion. Commissioner Walker SECONDED. Commissioner Smith asked for a clarification why if the county does the maintenance on the ballfield why does it have to pay \$10.00 a year for the lease and why it had not been paid since 1994 make the total due \$120.00? *(In order for the lease to be kept up the \$10.00 payment should be paid)*. The voting was unanimous. The motion carried.

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

Millard County Clerk Norma Brunson was excused for court duties.

Commissioner Walker and Linda Gillmore, MEDA Board, attended an Energizing Communities Through Entrepreneurship Conference in Logan, Utah. The conference was very informative and they met with State Economic Development people and others throughout the state. Bim Oliver will attend the Millard County Economic Development Association on April 28, 2005

at 8:00 a.m. in Fillmore, Utah to talk about the state office of economic development ideas for rural development. Commissioner Walker invited the other two Commissioners to attend the meeting. Commissioner Walker said that the Utah State University and MEDA are planning a business conference in the fall.

Commissioner Walker attended the dinner on March 31, 2005 to honor Ethel Boyden who has served twenty-five years with the Millard County Bookmobile.

Commissioner Walker met with Nancy Schmid the administrator at the Millard County Care Center on March 31, 2005.

Commissioner Walker said the master plan for Sunset View Golf Course is going really well. The five-year plan should be ready for Commission review in a few weeks. A golf meeting was held March 31, 2005.

Commissioner Smith and Commissioner Walker attended the Sportsman for Fish and Wildlife Banquet on Friday, April 1, 2005.

Commissioner Smith attended the meeting with Representative Chris Cannon on Wednesday March 30, 2005 in Delta and Fillmore. Commissioner Cooper attended the two meetings in Fillmore, Utah. Topics discussed:

- The Topaz Relocation Camp Bill to designate the camp as an historic area. The bill is sponsored by a Congressman from California and Representative Cannon agreed to co-sponsor the bill.
- The water issue on the west part of the county.
- The Millard County Comprehensive Land Use Plan.

Commissioner Smith said he had an inquiry from a citizen about when the Oak City Road was going to be chipped. Commissioner Smith was told by Road Department Supervisor Thayne Henrie that the road is on the this year's schedule to be chipped. At the road department's training meeting the new time cards were discussed and the way overtime and sick leave is calculated.

Commissioner Smith said Rex Stanworth and Mayor Brown had some concerns over a rumor they had heard that Hinckley Town was not getting a CERT trailer. Commissioner Smith spoke to Paul Fowles who said Hinckley Town is getting a CERT trailer. The men expressed their appreciation to Millard County for its support of the CERT Program in the county.

Commissioner Cooper talked with Ralph Pikyavt of the Kanosh Band of the Paiute Tribe of Utah. They would like to discuss some economic development opportunities on the reservation. The Commissioners were invited to the Tribal Council meeting on Sunday, April 10, 2005 at 2:00 p.m.. Commissioner Cooper invited a tribe representative to participate in the Millard County Comprehensive Land Use Plan's meetings and to make a presentation.

Eldon Christensen reported to Commissioner Cooper a safety hazard on the road near the

Texaco Station and the Tesoro Station. The safety committee is meeting to discuss the safety problems on the road as it had been reported earlier. Some of the problems have been solved by the installation of curb and gutter.

Commissioner Smith attended the Millard County Water Conservancy Board Meeting on Friday, April 1, 2005. Jerald Anderson and David Stirlin gave their opinion of the water situation going on in the Snake Valley. Their proposal is to gather all the data they can on the existing wells. They need about \$2,000 for equipment to get started and some tech assistance to help them correlate all the data they gather. The NRCS/Soil Conservation technician will be asked to help them.

Commissioner Smith made a motion to approve the expenditure of up to two thousand (\$2,000) to be used for purchasing water measurement equipment and supplies necessary to support the water conservancy district and the communities in the West Desert Grid area to develop ground water data. The equipment will be lent out to the groups gathering the data. Money for the equipment will be taken out of the Public Lands Budget. Commissioner Walker SECONDED. The voting was unanimous. The motion carried.

Dean Draper, Millard County Chronicle Progress reporter said he attended the Southern Nevada Water Authority Meeting on Saturday, April 2, 2005. Some interesting things were brought out at that meeting by parties on both sides of the issue.

Guy W. Gonder said he appreciates Millard County's offer to help purchase the measuring equipment to be used for gathering information and stated how very important the information is to the Snake Valley residents.

Attorney LeRay Jackson said that it should be the job of the State Engineer and Attorney General's Office to see that there is no negative impact on the water rights of the state of Utah.

Jerald Anderson will be contacted to purchase the equipment and send the bill to Millard County.

Mr. Gonder said they are interested in getting some additional help in educating them on water laws and water rights from both Nevada and Utah. The Commissioners agreed to help set up a training meeting, if possible. Juab County and representatives from Snake Valley will be invited to attend the seminar. Tooele County Commissioners have some concern about the water situation in the Snake Valley and may want to attend the meeting.

The Commissioners plan to be as involved as they can in the water situation in the Snake Valley. The goal is to prevent any pipe line from coming into the Snake Valley. The Commissioners would like an audience with Governor Huntsman to explain what an important issue this is to the people in the Snake Valley.

Chief Deputy Attorney Brent Berkley, Captain John Kimball and Sheriff Ed Phillips went to Illinois to a hearing where the extradition was contested by Robert Ben Rhoades. The Illinois District Judge ordered Mr. Rhoades extradition to Utah and he is now in the Millard County Jail and made an initial appearance in Fourth District Court today, April 4, 2005. Mr. Rhoades qualifies for a death penalty certified public defender. Fourth District Judge Donald Eyre will select one attorney from a list of three or more certified attorneys. The attorney chosen can then choose his own assistant. Millard County is part of the Indigent Capital Defense Fund and the attorneys fees will be paid from that fund.

Attorney LeRay Jackson recommended that the Indigent Capital Defense Application be signed.

Commissioner Smith made a motion to sign the Indigent Capital Defense Fund Application. Commissioner Walker SECONDED. The voting was unanimous. The motion carried. Attorney Berkley will take the signed application to Salt Lake City, Utah and hand deliver them.

Sherif Ed Phillips had been told the Commissioners had talked with Iron county about how the extra speed control program Iron County was working and see how it could work in Millard County. Sheriff Phillips said he had typed up an agreement similar to the one used by Iron County and left a copy of the draft for Attorney Jackson to review. Everyone thinks the extra speed control shifts will improve road safety.

Millard County Treasurer John Hansen reported he had received a request, from some of the relatives of Lloyd Frampton, to waive the penalty and interest on Mr. Frampton's property taxes. They are willing to pay the taxes due amounting to \$497.00 for 2001, part of 2002 and all of 2004. They would like the penalty and interest totaling \$79.84 waived. The Commissioners reviewed the request made by the relatives and denied the request. Treasurer Hansen will notify the relatives of the Commissioners decision.

PUBLIC INPUT

There were none.

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

Commissioner Walker made a motion to go into a closed executive session. Commissioner Smith SECONDED. The voting was unanimous. The motion carried.

WHERE UPON THE MEETING ADJOURNED

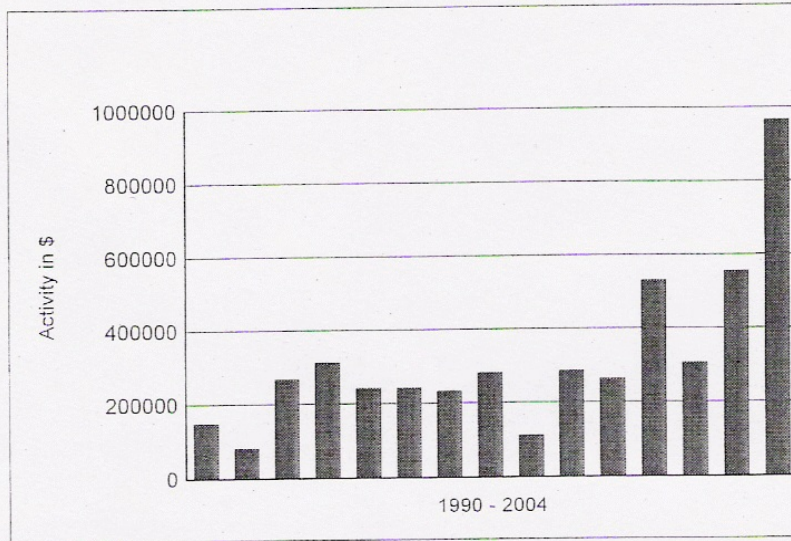
The meeting adjourned at 11:25 a.m..

Attest: _____ Approved: _____

Millard County
 Review of Extended Care Support Expenses
 Prepared April 4, 2005 by Brandy Grace, County Auditor

Budget Year Activity

1990	149,620.00
1991	81,741.29
1992	266,887.06
1993	312,203.81
1994	242,661.08
1995	242,496.04
1996	233,662.76
1997	280,815.23
1998	112,131.03
1999	285,319.43
2000	263,513.93
2001	530,951.17
2002	306,268.28
2003	556,330.77
2004	966,144.90
YTD 2005	185,058.47



YTD 2005 185,058.47 Estimated that expenses will exceed \$750,000 this year