

MINUTES OF BOARD OF COUNTY COMMISSIONERS  
MILLARD COUNTY THE 20th DAY OF NOVEMBER 2007  
AT THE COURTHOUSE, FILLMORE, UTAH

PRESENT: Daron P. Smith . . . . . Chairman  
Kathy Y. Walker. . . . . Commissioner  
John C. Cooper. . . . . Commissioner  
  
Richard Waddingham . . . . . County Attorney  
Norma Brunson . . . . . County Clerk  
Janice Robins. . . . . Deputy County Clerk

ALSO PRESENT: Sandy Black . . . . . Citizen  
Janette Curtis . . . . . Citizen  
Rosemary Williams. . . . . Citizen  
MariAnn Trillo . . . . . Citizen  
Angela Corbett . . . . . Citizen  
Sandy Willoughby. . . . . Citizen  
Jackie Rhinehart . . . . . Intermountain Health Care Fillmore  
Jim Beckstrand . . . . . Intermountain Health Care Fillmore  
Gary Walker. . . . . Millard County Planning and Zoning

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 November 2007.

PUBLIC WAS WELCOMED

The meeting began at 10:00 a.m. after a brief welcome by Commissioner Smith to the public and Commission members.

OPENING STATEMENTS

Commissioner Smith gave a quote from Abraham Lincoln. Commissioner Cooper said the invocation. Everyone stood and said the Pledge of Allegiance to the Flag.

FOLLOW UP ACTION ITEMS FROM MINUTES OF NOVEMBER 13, 2007

There were none.

## APPROVAL OF THE AMENDED MINUTES OF NOVEMBER 13, 2007

Commissioner Cooper made a motion to approve the amended minutes of November 13 2007.

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

Commissioner Walker made a motion to approve the minutes of the public hearing held November 13, 2007.

Commissioner Cooper 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. An invoice from the State of Utah Department of Natural Resources for the fire warden was presented to the Commissioners to see if the county should pay the \$19,514.20 or if it should be run through the fire district. The Commissioners asked the Auditor to check and see if the county had paid last year's invoice or if it should be sent to the fire district for payment.

Auditor Grace said the September check for the Intermountain Health Care invoice is on hold and the October billing has arrived. The Commissioners authorized the Auditor to combine the total of both invoices and pay \$21,870.46 for patient care at the Fillmore Medical Center. At this time there is a surplus for the Millard County Care Center.

Auditor Grace gave the Commissioners the Check Edit Report of November 16, 2007 to review and sign.

A hardship abatement application from Vernon and Roxanne Mitchell was presented to the Commissioners for consideration by Auditor Grace. Mr. and Mrs. Mitchell are over the age of 65 but their income is too high for a circuit breaker. The Commissioners reviewed the application, their income tax return and read a letter of explanation of circumstances from the applicant's Bishop.

Commissioner Walker made a motion to deny the application based on the county's income guidelines.

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

Commissioner Cooper said an invoice from the USDA Forest Service for \$819.35 needs clarification. Auditor Grace will forward the invoice to the correct department for payment.

Auditor Grace asked if the Commissioners wanted payroll changes for county employees presented in regular meeting or in a closed session? The Commissioner had reversed last meeting's

decision to deny two employees a payroll raise stating that they fell under the current guidelines. A discussion ensued on the subject of what items of business should be discussed in a closed executive hearing and what items of business should be conducted in the regular meeting. Attorney Waddingham told the Commissioners that going into a closed executive session to discuss payroll increases is improper unless they are going to discuss the character, professional competence or physical or mental health of the individual. Otherwise, the business could be handled in a regular session.

Auditor Grace said that the department heads have been told it is their responsibility to get the Commissioner over their department to sign the payroll increase. It is not the job of the Auditor to bring it up to Commissioners for their signatures. She also asked if the request had to be signed by all three Commissioners or if only the Commissioner over the department needs to sign. The Commissioners agreed that payroll requests should have to be signed by at least two Commissioners. Attorney Waddingham said he will research further to determine whether payroll increases need to be an agenda item. They all hope that the new salary structure program will help solve some of the problems discussed.

#### REVIEW AND POSSIBLE APPROVAL OF A CONTRACT WITH THE STATE OF UTAH FOR BOOKMOBILE SERVICE IN MILLARD COUNTY, UTAH

Commissioner Walker made a motion to approve the contract with the State of Utah for Bookmobile Service in Millard County, Utah. The cost to Millard County is \$109,107.00. Juab County and Eureka no longer share the service of the Millard County Bookmobile.

Commissioner Cooper SECONDED the motion. The voting was unanimous and the motion carried. The documents will be sent to the State of Utah by the Clerk's Office.

#### POSSIBLE APPROVAL OF ORDINANCE 07-11-20, AN ORDINANCE OF THE MILLARD COUNTY COMMISSION ESTABLISHING A TEMPORARY LAND USE REGULATION FOR CERTAIN DEVELOPMENT INVOLVING TRANSPORTATION, COMMUNICATIONS, AND UTILITIES USES AND ACTIVITIES OCCURRING WITHIN MILLARD COUNTY, UTAH

Commissioner Cooper made a motion to approve Ordinance 07-11-20, an ordinance of the Millard County Commission establishing a temporary land use regulation for certain development involving TRANSPORTATION, COMMUNICATIONS, and UTILITIES uses and activities occurring within Millard County, Utah. Attorney Waddingham requested some explanation by Gary Walker, Millard County Planning and Zoning. Mr. Walker explained that there are some things coming into the county as well as things already existing in the county dealing with several industries, pipeline projects, electricity issues, voltage issues, power line easements. It has become obvious that the current ordinances do not cover all the issues needed to protect Millard County. They would like to establish a temporary land use ordinance to put a moratorium on permits issued for utility land uses and activities for a period of six months while the ordinance is reviewed, amended and adjusted in an effort to protect Millard County and its land owners. The exempt utilities will be minor utilities that are determined by the Zoning Administrator to be required to provide water, sewer, power, gas, telephone, cable television and other utility service to a single

dwelling, building, or structure. The sections of the land use matrix that will be affected are the Land Uses Numbers 4800-5000 dealing with all utilities excepting the minor utilities.

UNEV Pipeline is proposing a twelve-inch liquid petroleum pipeline coming through Millard County, running from North Salt Lake to Southern Nevada. It has not yet filed an application with the Millard County Planning and Zoning Commission. UPC Wind is proposing to build a wind generation plant along the Millard County and Beaver County line, resulting in the placement of the power lines into Millard County. Commissioner Cooper added that UPC Wind had petitioned the State of Utah on Rule 62 and Millard County does not feel it appropriate for the State Tax Commission to make the ruling. There are also issues in west Millard County dealing with stray voltage allegedly affecting some agricultural operations. The entities are proposing to run easements over both private lands and public lands, some of which could seriously affect waterways, creating environmental issues and land areas used for agricultural and farming activities. In order to protect Millard County's agricultural base, reservoirs and waterways; to identify corridors and rights-of-way for the possible collocation of transportation, communications and utilities uses, infrastructure and facilities; and to protect the health, safety and welfare of the county, it is very appropriate to address the ordinance.

Commissioner Walker SECONDED the motion. Clerk Norma Brunson called for a roll call vote. Commissioner Cooper. YES. Commissioner Walker. YES. Commissioner Smith. YES. The voting was unanimous and the motion carried.

#### RATIFY THE MOTION TO APPOINT SHELLY CARTER FINLINSON TO THE DELTA OASIS CEMETERY BOARD

Commissioner Walker made a motion to ratify the appointment of Shelly Carter Finlinson to the Delta Oasis Cemetery Board.

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

#### DECISION ON A PROVIDER FOR THE MILLARD COUNTY CARE CENTER

Commissioner Smith read the following statement about the Millard County Care Center.

Intermountain Health Care and Millard County mutually agree to terminate the Long Term Health Care Management Agreement.

Upon consideration of the information we've received in our investigation, including two public hearings, as well as our financial situation, the County Commission will pursue negotiations with Traditions Health Care for the management and operation of the Millard Care Center.

Intermountain Health Care supports our position and will help facilitate a smooth transition, which will occur early 2008. The County Commission appreciates the help received from Intermountain Health Care during this difficult process.

Intermountain Health Care has met with officials from Traditions Health Care and believe

they are a reputable company that will continue to provide quality care at the Millard Care Center. Both Intermountain Health Care and Traditions Health Care, will work closely together to foresee a successful relationship.

Current care center employees are Intermountain Health Care employees, however, many of those may have excellent employment opportunities with Traditions Health Care, according to Jon Hoopes, IHC Regional Vice President.

Millard County appreciates the quality of care provided to our elderly residents by Intermountain Health Care. They are an asset to our communities and we look forward to a continued long relationship with them.

Commissioner Walker made a motion to pursue negotiations with Traditions Health Care. Commissioner Cooper SECONDED the motion. The voting was unanimous and the motion carried.

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

Commissioner Cooper presented a letter from Fillmore City regarding an annexation hearing on the June Brush Hill annexation.

All three Commissioners and the other elected county officials attended the Utah Association of Counties (“UAC”) Conference in St. George. They appreciated the opportunity of attending the conference where issues of the day were discussed as a group, mission statements were created and proposals are made as a group.

Commissioner Cooper attended the public land board meeting. He reported that Kane County is in litigation on access to public roads. Millard County will continue with its RS2477 program.

On November 13, all three Commissioners and Delta City Mayor Bunker and Fillmore City Mayor Christensen met to discuss the preliminary law enforcement contract. They will meet again in the near future.

On November 19, 2007, Commissioner Smith and Commissioner Walker met with Quantum Development, a group that is responsible for the development of Port 15 Utah. They did a site visit in the county to access the possibility for a similar industrial park in Millard County.

All three Commissioners met with Jim Beckstrand and Jon Hoopes, from Intermountain Health Care to discuss the Millard County Care Center.

Commissioner Smith, Mark Ward from UAC, and a number of citizens attended a meeting in Garrison on the Great Basin Water Network.

Commissioner Cooper reported that a meeting is being held at the Border Inn today. The Department of Natural Resources reported on the UGS test wells in the west desert. Millard County did not receive an official invitation and would have liked to have a representative in attendance.

Commissioner Cooper, Mark Ward, and John Harja participated in a conference call with the Bureau of Land Management to discuss the EIS on the pipeline.

Commissioner Walker made a motion to appoint Penny McCann to the Millard County Tourism Committee to replace the late Don Morris.

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

The Commission was saddened by the passing of a former Millard County Commissioner Warren Jensen. Flowers will be sent to his funeral.

#### OTHER BUSINESS

There was none.

#### 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 Cooper SECONDED the motion. The voting was unanimous and the meeting adjourned at 11:47 a.m.

Attest: \_\_\_\_\_ Approved: \_\_\_\_\_

COMMISSIONERS-- CANVASS SPECIAL MUNICIPAL ELECTION AT 3:00 P.M.