

MINUTES OF BOARD OF COUNTY COMMISSIONERS  
MILLARD COUNTY THE 14th of FEBRUARY 2005  
AT THE COURTHOUSE, FILLMORE, UTAH

PRESENT: John C. Cooper ..... Chairman  
Daron P. Smith..... Commissioner  
Kathy Y. Walker ..... Commissioner  
  
LeRay Jackson . ..... County Attorney  
Norma Brunson ..... County Clerk  
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 the months of February and March 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 Cooper said the invocation. Everyone stood and said the Pledge of Allegiance to the Flag.

FOLLOW UP ACTION ITEMS FROM MINUTES OF FEBRUARY 7, 2005

There were none.

APPROVAL OF THE AMENDED MINUTES OF FEBRUARY 7, 2005

Commissioner Walker made a motion to approve the amended minutes of February 7, 2005. Commissioner Smith SECONDED the motion. The voting was unanimous.

AUDITORS REPORT

Auditor Brandy Grace was excused from the meeting to attend a conference. Deputy Auditor Betty Bartholomew gave the Commissioners the Check Edit Report of February 11, 2004

for the Commissioners to review and sign. The Check Edit was signed.

Deputy Auditor Bartholomew gave the Commissioners several invoices to review and approve for payment through the Auditor's Office.

#### JOHN HANSEN-POSSIBLE SIGNING OF A DEED F RECONVEYANCE FOR ASHMAN'S

Millard County Treasurer John Hansen said that a lien was found by First American Title Company while they were doing a title search on a parcel of property formerly owned by Joe and Arva Dale Ashman. The parcel was used as collateral on the Ashmans' 1989 Trust Deed for a revolving loan with Millard County, because the Pioneer Market building was not in their name at that time. The said parcel has been sold and they have asked to have a Substitution of Trustee and Request for Reconveyance signed by Millard County. Treasurer Hansen said the last loan payment made by the Ashman's was on October 5, 2004 which paid the February 2004 payment. The payments from March 2004 until now are past due. The loan balance is \$12,777.78. The Commissioners discussed the request for the release and the history of the loan payments. Attorney LeRay Jackson was asked to see if the Pioneer Market's building could be transferred as the collateral on the loan before a release is signed. Attorney Jackson will report back to the Commissioners after he talks to First American Title Company about securing the property as collateral on the loan.

#### REQUEST FOR A PROPERTY TAX ABATEMENT-FOR EUGENE AND DORIS FREDRICKSEN

Treasurer John Hansen reported that Eugene and Doris Fredricksen have requested county assistance on their 2004 mobile home's property taxes, because both parties are seriously ill. The tax on one parcel is \$6.89 plus penalty and interest and the tax on the second parcel is \$553.67 plus penalty and interest. The Fredricksens' would have qualified for an indigent abatement or a circuit breaker but an application had not been filled out before the due date.

Commissioner Walker made a motion to abate the taxes, penalty and interest on a hardship abatement for Eugene and Doris Fredricksen on parcels 8214-1-1-2 and 8214-1-1. Commissioner Smith SECONDED the motion. The voting was unanimous. The motion carried.

#### RATIFY THE REAPPOINTMENT OF GREG GREATHOUSE AND PAULA CHRISTENSEN TO THE MILLARD COUNTY PLANNING AND ZONING COMMISSION

Commissioner Walker made a motion to ratify the reappointment of Greg Greathouse and Paula Christensen to the Millard County Planning and Zoning Commission. Commissioner Smith SECONDED the motion. The voting was unanimous. The motion carried.

RATIFY THE OPENING OF THE BIDS FOR THE CHEESE PLANT HWY 99 INTERSECTION PROJECT

Commissioner Smith made a motion to ratify the opening of the bids for the Cheese Plant Hwy 99 Intersection Project. The George W. Johanson Company had the low bid of \$294,315.00. Commissioner Walker SECONDED the motion. The voting was unanimous. The motion carried.

POSSIBLE SIGNING OF AN INTERLOCAL AGREEMENT BETWEEN MILLARD COUNTY AND UDOT

Commissioner Smith made a motion to sign the Cooperative Agreement between UDOT, Utah Division of Transportation and Millard County for the Hwy 99 and Frontage Road Intersection Fillmore project. Commissioner Walker SECONDED the motion. The voting was unanimous. The motion carried. Five copies of the document were signed. UDOT will be dispersing the funds after Millard County signs off on the money. By signing the agreement, Millard County agrees to come with the additional \$24,000. The Commissioners will authorize the Auditor to send a check to UDOT for \$24,000.00. The documents will be sent to Rick Togerson at UDOT in Richfield, Utah.

REVIEW AND POSSIBLE EXECUTION OF INDEMNITY FOR DR. DAVID LIMBURG ON SUPERVISION OF RAUN CHILD WHO IS THE MEDICAL CONSULTANT AT THE MILLARD COUNTY JAIL

Attorney LeRay Jackson said that he has prepared an indemnity agreement stating Raun Child, a Physician's Assistant (PA) is providing medical services for inmates in the Millard County Jail, working under the supervision of Dr. David G. Limburg, MD. Raun Child has medical mal practice insurance. Dr. Limburg desires indemnification for himself from Millard County regarding the action of Raun Child pertaining to his medical service at the Millard County Jail.

Commissioner Walker made a motion to sign the indemnity agreement by Millard County with Dr. David G. Limburg. Commissioner Smith SECONDED the motion. The voting was unanimous. The motion carried. The agreement was signed by Chairman Cooper and Sheriff Ed Phillips. One original copy was given to the Clerk's Office for filing.

REVIEW AND POSSIBLE SIGNING OF AN AGREEMENT OF MILLARD COUNTY AND RANDY JOHNSON ON CONSULTING WITH MILLARD COUNTY ON THE COMPREHENSIVE LAND USE PLAN

Attorney Jackson had prepared an agreement between Millard County and Randy Johnson for consulting with Millard County on the Comprehensive Land Use Plan. He said the two copies of the document are ready to be signed.

Commissioner Walker made a motion to sign the agreement between Millard County and Randy Johnson for consulting with Millard County on the Comprehensive Land Use Plan. Commissioner Smith SECONDED the motion. The voting was unanimous. The motion carried.

Commissioner Cooper signed the agreement. One original was given to Randy Johnson and one original was given to the Clerk's Office for filing.

#### POSSIBLE APPROVAL OF REVISED MILLARD COUNTY POLICY ON INDIGENT DEATH EXPENDITURES

Attorney LeRay Jackson reported he had revised the Millard County Policy on Indigent death Expenditures. A change was made to #2. **Such application should be approved by the Millard County Commission in a regularly scheduled meeting if possible. If this is not reasonably possible, any single Commissioner may approve such application after making reasonable efforts to contact the other Commissioners for their approval, with such approval being reported to the full Commission at the next regularly scheduled meeting.**

Commissioner Smith made a motion to approve the changes to the Millard County, Utah on Indigent Death Expenditures. Commissioner Walker SECONDED the motion. The voting was unanimous. The motion carried.

#### ANNOUNCEMENT AWARDING THE BIDS FOR MILLARD COUNTY ROAD DEPARTMENT FOR CHIPS, MAG CHLORIDE, CHEMICALS, AND CHIPS

Commissioner Smith reported that the bids had been reviewed by Millard County Road Department Supervisor Thayne Henrie.

Commissioner Smith made a motion to award **Hills Brothers** the bid for **MagChloride @ \$24.43 per ton**. Commissioner Walker SECONDED the motion. The voting was unanimous. The motion carried.

Commissioner Smith made a motion to award **Steve's Tire** the bid for **Tires @ \$1,139.52 averaged from a list of tires**. Commissioner Walker SECONDED the motion. The voting was unanimous. The motion carried.

Commissioner Smith made a motion to award **Steve Regan** the bid for **Chemicals @\$261.20 averaged from a list of chemicals**. Commissioner Walker SECONDED the motion. The voting was unanimous. The motion carried.

Commissioner Smith made a motion to award the bid for **Chips to Carling & Company for \$114,900.00** based on the *Purchasing Policy for Millard County Section XXI Article 1-4. In County's attempt to attain the greatest long-term value, County may show preference to local vendors even though their bid may not be the lowest bid. In showing such preference, County shall justify this by determining that such decision will result in equal to or greater long-term value of such procurement for certain reason such as better and /more convenient service, maintenance, warranty, etc. and Section XXI Article 3B-7. The contract shall be awarded with reasonable promptness, by written notice, to the lowest bid or bid of best long-term value to County, as determined by County, so long at the bid meets the requirements, specifications, and criteria set forth in the invitation for bids and the policies and provisions of this purchasing policy.* Commissioner Walker SECONDED the motion. The voting was unanimous. The motion carried.

Other chip bids were:	Searle Truck	\$112,030.00
	Westside Grading	\$123,000.00
	Bull Dog Construction	\$117,950.00
	Kent Bethers Construction	\$143,200.00
	G&G Excavation Co.	\$144,400.00

## FILING OF DISCLOSURE STATEMENTS

One disclosure statement was filed for:

David W. Jackson

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

Commissioner Smith reported that the Millard County Road Department has received a Gramma request for information that is due today. Attorney Jackson was asked to make a request, in behalf of Millard County, for a thirty-day extension to gather the information.

Commissioner Smith said that there will be a meeting in Delta City with UDOT on February 22 and 23, 2005. They will be discussing the Delta Transportation Management Plan.

Commissioner Smith said he sent a letter to report any comments Millard County has on the roadless area in Millard County to Kenton Call at the USDA Forest Service as they requested.

On Tuesday, February 8, 2004 Commissioners met with the BLM and outlined Dick Draper's responsibilities as the representative to relay information from the BLM to Millard County about the conditions of the wild horses in Millard County. The Commissioners would like to do a press release announcing Mr. Draper's position and his responsibilities. The county and the BLM will digitize the roads that they are responsible for to see if there are any duplications on the maintenance on any of the roads. Also discussed was the Cosmic Array Project to see where the project stands and how it is supported by the local BLM Office.

All the Commissioners met with Nancy Schmid, Attorney LeRay Jackson, IHC Auditor Chris Thompson on February 8, 2005 at the Millard County Long Term Care Center to review the care center's budget. The care center is more than \$400,000 over budget. Right now there are forty-one patients in the sixty bed facility and it takes fifty-six patients to break even. In order to help with the loss they could consider filling the facility with out of county patients or they could continue with the loss for another year, gradually adding patients and with additional funding they should break even. The average length of a stay at a care center is 15 years. After carefully considering the situation, the Commissioners decided to continue facing a loss because of the importance of filling the care center with Millard County patients.

Commissioner Walker met with Golf Pro Steve Wathen in February 9, 2005 and discussed his contract, duties and responsibilities.

On Thursday, February 10, 2005 Commissioner Walker met Jerry Ogden and Dixon Eliason and discussed Millard County Book Mobile business.

Commissioner Cooper and Commissioner Walker met with Max Wood and discussed the progress of the recreation programs throughout the county.

Commissioner Cooper talked to Greg Kesler who is interested in amending his conditional use permit with Millard County to increase the applications of Stouffers' waste to his land to make mulch. Bruce Costa at Central Utah Health Department and Commissioner Cooper will make a site visit to Mr. Kesler's property where the waste is being applied. Millard County will act upon CUPH recommendations to make sure there are no problems or would cause ground water contamination.

Commissioner Cooper announced that the next Millard County Comprehensive Land Use Plan meeting will be held on February 15, 2005 at 9:00 a.m.. The public is invited.

#### OTHER BUSINESS

Treasurer John Hansen reported that he and Auditor Brandy Grace have reviewed a tax collection situation with Leamington Town. Since 2001, Leamington Town has not submitted reports to the Utah State Auditor's office to enable Millard County to transfer the tax money (approximately \$23,000) they have collected for Leamington Town. The Commissioners discussed the issue and authorized Treasurer John Hansen to write a letter encouraging Leamington Town Mayor Jim Rasch to prepare the reports for the state. The letter will be signed by Commissioner Cooper.

Treasurer John Hansen said Auditor Brandy Grace had expressed some concern about a request from Community First for Millard County to change the wording on their check from *donation to services for drug abuse*. The county's donation policy was discussed and will be enforced.

Callie Peterson from the Sheriff's Office came before the Commissioners with applications for two ambulance abatements. One application is from Matthew Bringard whose total ambulance bill is \$3,000.12. Mr. Bringard doesn't have an income or had not filed a tax return. The Commissioner reviewed the information and application. The Commissioners asked Mrs. Peterson to ask Mr. Bringard to provide more information before they will make a decision to abate his ambulance bill.

The second request came from Leon Ediz Carillo from California. His ambulance bill is \$658.04. The Commissioners reviewed his application.

Commissioner Smith made a motion to deny the request for Leon Ediz Carrillo because it appears that since the application was first filled out, his ability to pay has increased.

Commissioner Walker **SECONDED** the motion. The voting was unanimous. The motion carried. Mr. Carrillo will be notified of the decision.

Fillmore City Mayor Sam Starley reported he is concerned that with the number of fire alarms that go off at the Mt. Catherine Manor and there are no fire suppression systems in the facility. Commissioner Walker said that the Millard County Housing Authority has met and they are addressing the issue. She said it was her understanding the authority has money in their budget to make the fire suppression system updates to the building. Commissioner Walker said she will follow through with the housing authority board on this issue.

Millard County Sheriff Ed Phillips and Robert Dekker were present from the Millard County Sheriff's Office. Sheriff Phillips said he had been contacted by Eric Reid from the Bureau of Land Management who was wondering what the duties were going to be for the newly appointed wild horse representative for Millard County. Commissioner Cooper said that Dick Draper had been appointed as the representative to relay information from the BLM to Millard County about the wild horses in the county.

Sheriff Phillips said that the jail expansion issue has come up again. The Department of Corrections would like a **yes** or **no** if Millard County is interested in proceeding with an expansion of the Millard County Jail. The State Legislature has given the Department of Corrections approval for the state inmate housing concept and the funding is moving forward.

Sheriff Ed Phillips made several points:

- The state jail inmate housing program has been a viable program.
- In 2001 Millard County was ready to go ahead with the jail expansion and then pulled out because of a change in the state funding of the inmate housing program. The work on the expansion's plans have already been done.
- If the jail expansion was a viable program in 2001, it would be viable today.
- The State has not defaulted to any county housing inmates for twenty years.
- A cost study has been done. Construction costs have increased, however; the return of revenue for housing the prisoners has also increased. The cost to build the expansion four years ago was around 2.5 million dollars, it would be around three million dollars at today's costs.
- The major amount of the infrastructure is already in place. This fact makes the program more viable.
- The plans are for a 100-bed expansion, which would be a POD added to the back of the present facility.
- The program has the possibility to net up to \$700,000 with a continual flow of money.
- The jail expansion would be good long range economic development for Millard County. Between six and eight new full time employees would be needed if the expansion was to take place.

Right now the current jail facility has 107 beds but is full at 90 percent. The state pays \$43.32 @ day for the state inmates and this will go up to \$43.96 on July 1, 2005. The cost to house inmates is between \$31.00 and \$35.00. Millard County Jail is currently housing fifty-five state

inmates and has a maximum of sixty beds available for state inmates. As the county inmate population goes down, state inmates are brought in to fill the numbers. Transportation and medical costs for the state inmates are reimbursed. Representatives from the jail and the state meet once a week to discuss the state inmate housing program. It is doubtful there would ever be a shortage of inmates. There is not a contract guarantee from the state for Millard County to always have a supply of inmates.

The Commissioners said they are willing to do further investigation into the possibility of doing the expansion project. The Commissioners want it to go through a public process before they give complete approval of the jail expansion. Decisions would need to be made of whether to bond or not. Right now there is no new money going into capital expenditures and any revenue money going into the general fund. The Commissioners authorized Sheriff Phillips to tell the State that Millard County has plans in place, and yes, the county may be interested in a jail expansion project, but this is not a binding commitment as they would need to go through a public process and a further investigation of costs.

Sheriff Phillips said that recently he had put in a request for a COLA for some part time public safety employees and asked what the status was on this matter. The subject was discussed and Sheriff Phillips was made aware that the Commissioners had agreed to pay a COLA to all regular part time employees after a three-year period. Sheriff Phillips said the county should put forth an effort to set up some salary evaluations. Right now any salary adjustments are randomly done and have a study comparison be done. He thinks the county should adopt a policy that could be phased into operation in order to create equality among positions. The Commissioners said they are committed to start the process by forming a committee. The Sheriff volunteered to serve on the committee.

The Commissioners made a decision to write an article in the Millard County Chronicle Progress entitled, **The Commissioners' Corner**. The Commissioners will take turns writing the articles.

Commissioner Cooper reported Millard High School Community Council members had sent a letter thanking the county for their contribution toward speakers and video programs on education and abstinence that were shown to the students, parents and community. The Committee felt like the programs were well received. The letter will be on file at the Millard County Clerk's Office.

Commissioner Cooper received a letter from Mary C. Erickson, Forest Supervisor in regards to the I-70 Wireless Communications Site Project located between Cove Fort and The Freemont Indian State Park along I-70. The purpose is to designate two wireless telecommunication sites to serve cellular, personal communication services and enhanced specialized mobile radio providers. The letter will be on file at the Millard County Clerk's Office.

Commissioner Walker reported she has the Millard County Bookmobile Library Agreement and Contract ready for signing. She has written a letter to the Utah State Library Board stating that because Beaver County with drew from the program, Millard County desires to share the costs of the program with another county, and encouraged them to enlist another county to join the program.



Commissioner Smith made a motion to sign the agreement and contract between Millard County and the State of Community and Economic Development, State Library Division. Commissioner Walker SECONDED the motion. The voting was unanimous. The motion carried. The documents were signed and given to the Auditor's Office to get an additional signature and then mail it.

Commissioner Walker said that they have made a few changes to the Sunset View Golf Course Committee Bylaws and they are ready to be signed.

Commissioner Walker made a motion to sign the Sunset View Golf Course Committee Bylaws. Commissioner Smith SECONDED the motion. The voting was unanimous. The motion carried. The document was signed. One copy was given to the Clerk's Office for filing.

Commissioner Smith reminded the Commissioners that they need to set a date for the Mayors Meeting. They set the date for the meeting on March 10, 2005 in Delta, Utah 84624.

#### PUBLIC INPUT

Fillmore City Mayor Starley reported that the layout plan for the Fillmore City Airport is in the final stages. They are receiving money from the State of Utah on a 10-90 percent cost share to upgrade the facility.

#### 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 to discuss personnel issues. Commissioner Smith SECONDED the motion. The voting was unanimous. The motion carried.

#### WHERE UPON THE MEETING ADJOURNED

The meeting adjourned at 1:15 p.m..

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