

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 28th 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

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 March and 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 and then gave the invocation. Everyone stood and said the Pledge of Allegiance to the Flag.

FOLLOW UP ACTION ITEMS FROM MINUTES OF FEBRUARY 14, 2005

There were none.

APPROVAL OF THE AMENDED MINUTES OF FEBRUARY 14, 2005

Commissioner Walker made a motion to approve the amended minutes of February 14, 2005. Commissioner Smith SECONDED. The voting was unanimous. The motion carried.

AUDITORS REPORT

Auditor Brandy Grace gave the Commissioners various invoices to review and approve for payment through the Auditor's Office.

Auditor Grace gave the Commissioners the Check Edit Reports of February 18 and February 25, 2005 to review and sign. The Check Edit Reports were signed by the Commissioners.

Sheriff Ed Phillips, Auditor Brandy Grace, Attorney LeRay Jackson, Delta Office Manager Sheryl Dekker, will be asked to serve on a fact finding salary committee.

Commissioner Smith gave Auditor Grace a check written to Millard County as a reimbursement from the BLM for some public land signs Millard County had originally paid for. The BLM has received their reimbursement from the state.

DIVISION OF WILDLIFE RESOURCES-DOUG MESSERLY

Doug Messerly from the Division of Wildlife Resources said they have appreciated their association with Millard County. He presented the Commissioners a \$9,266.76 check, for the year 2004 contractual in-lieu payment on land the Division of Wildlife owns in Millard County. The money used to pay the in-lieu payment is provided by sportsmen. The check will be given to Millard County Auditor Brandy Grace to deposit.

GARTH WHITE-CERT FINANCIAL COMMITTEE

Attending were: Steve Kimball and Janet Lindquist. Janet Lindquist, a CERT Trainer said that a financial committee has been set up whose purpose is to assess county CERT needs and proposals. Steve Kimball and Paul Fowles have been chosen as the Millard County CERT Commander and Co- commander, respectfully. The committee recently met as a group and they recommended that the first \$25,000 of Millard County Commission funding be used to disperse eight mobile trailers throughout the county. Four purchase bids for trailers were sent out and two bids were returned. White Brothers of Nephi, Utah submitted the lowest bid at a cost of \$2,806.00 for each trailer.

The eight trailers will be placed in the following locations:

- Deseret/Oasis
- Flowell
- Hinckley
- Sutherland/Sugarville/Abraham
- Oak City
- Holden
- Meadow
- Scipio

Cost of trailers	\$22,448.00
Kanosh Town requested supplies	<u>1,587.00</u>
Total	\$24,035.00

Balance of first \$25,000 is (\$965.00) and it will be added to second \$25,000.00. They asked what the County Commissioners funding position would be for the second \$25,000 and how it should be managed and dispersed.

Note: Delta City's proposal was not available at the committee's review. Lynndyl, Leamington, Eskdale and Garrison have no active CERT program. The committee is working on a grant which will help in the purchase of hand-held radios. It was reported that the Red Cross plans to put Red Cross trailers in Scipio, Fillmore and Kanosh because of their location along I-15.

The Commissioners said they approve of the plan as long as:

- The Auditor is satisfied with the purchasing procedure of the items.
- The titles of the trailers are put in Millard County's name.
- Equity to be used throughout the county while purchasing supplies from the second \$25,000.

Commissioner Smith made a motion to approve the trailer purchases for the CERT Program. They will be located in Deseret/Oasis, Flowell, Hinckley, Sutherland/Sugarville/Abraham, Oak City, Holden, Meadow and Scipio with supplies being provided for Kanosh. The cost for the trailers will be \$22,448.00 and the cost of supplies \$1,587.00 bringing the total to \$24,035.00. White Brothers Trailer Sales and Delta Sports Center sent in bids for the trailers. White Brothers Trailer Sales was the low bidder and will be awarded the bid at \$2,806.00 per trailer. Delta Sports bid (not mentioned). Millard County had committed \$50,000.00 from the budget for homeland security. The committee will come up with recommendations how the remaining \$25,965.00 will be spent and how it will be dispersed throughout the county. Commissioner Walker SECONDED. The voting was unanimous. The motion carried.

RICHARD BECKSTRAND - APPROVAL OF THE COST OF A NEW SERVER FOR THE COURTHOUSE

Richard Beckstrand, Computer Coordinator said that the computer server for the old courthouse needed to be replaced. The Commissioners had authorized him to get a cost estimate of a new server. He reported the cost of the server will be \$16,696.00.

Commissioner Smith made a motion to approve the purchase of a server for the old courthouse for \$16,696.00. Commissioner Walker SECONDED. The voting was unanimous. The motion carried.

APPOINTMENT TO THE MILLARD COUNTY MOSQUITO ABATEMENT BOARD

Commissioner Smith made a motion to appoint Don Nielson to the Millard County Mosquito Abatement Board as the Leamington/Lynndyl representative. Commissioner Walker SECONDED. The voting was unanimous. The motion carried.

MILLARD COUNTY ROAD DEPARTMENT - CAPITAL PURCHASE REQUEST FOR NEW EQUIPMENT

Millard County Road Department submitted a request for a new trailer and pup. They had done a phone bid with Semi Service, Inc. for \$57,420.00.

Commissioner Smith made a motion to accept the bid from Semi Service Inc. as a sole source provider for the trailer and pup for \$57,420.00. Commissioner Walker SECONDED. The voting was unanimous. The motion carried.

KEVIN MORRIS-BID OPENINGS

Attending were: Kevin Morris and Max Wood. Attorney LeRay Jackson opened the bids for railroad ties from:

Delta Chiro

\$500.00 for 350 ties or \$35.00 for bundle of 25

Carl Lyman

\$87.50 for bundle of 25

Les Harward

\$3.00 per tie or \$50.00 per bundle

Merlin Ennis

\$615.00 for all ties - will leave no broken ties

Ray Dean

\$2.62 for 75 ties or \$196.50

Doyal Mitchell

\$3.50 per tie but be able to pick
\$350.00 to clean up entire site

Ellen Rohalt

\$257.00 per 100 ties

Reed Rohalt

\$307.00 for 100 ties

Steve Albricht

\$75.00 for 50 ties

Commissioner Walker made a motion to accept the bid from Merlin Ennis for \$615.00 for all the ties and to clean up the site. Commissioner Cooper stepped from the Chair and

SECONDED. The voting was unanimous. The motion carried. Commissioner Smith recused himself from voting.

Attorney LeRay Jackson opened the bids for 500 feet of four foot chain link fencing from the following bidders.

Delta Chiro - Rendon Hughes
\$125.00 total or \$10.00 per roll

Steve Albricht
\$50.00 for 250 feet

Ellen Roholt
\$57.05 for 250 feet

Reed Roholt
\$62.55 for 250 feet

Bunker Hill
\$200.00 total

Commissioner Walker made a motion to accept the bid from Bunker Hill of \$200.00 for 500 feet of chain link fencing. Commissioner Cooper stepped from the Chair and SECONDED. The voting was unanimous. The motion carried. Commissioner Smith had recused himself from voting.

Attorney LeRay Jackson opened the following bids for concrete at the Millard County Fairgrounds.

Dutson Supply \$58,900.00

Taz Concrete \$63,683.80

Desert Mountain \$54,166.00

Commissioner Walker made a motion to accept the bid from Deseret Mountain for concrete at the Millard County Fairgrounds for \$54,166.00. Commissioner Smith SECONDED. The voting was unanimous. The motion carried.

Attorney LeRay Jackson opened the following bids for a cart shed at the Sunset View Golf Course.

Dutson Supply \$3,150.00

Desert Mountain \$4,250.00

Taz Concrete \$4,387.40

THR Construction \$5,042.19

Commissioner Walker made a motion to accept the low bid from Dutson Supply for \$3,150.00 for a cart shed at the golf course. Commissioner Smith SECONDED. The voting was unanimous. The motion carried. Kevin Morris will make sure the contractor's license is current.

Attorney LeRay Jackson opened the following bids for the West Millard Swimming Pool floor project.

Perma Bond Protective Coatings \$37,508.00

PEP Systems Several options- (will need time to review)

West Millard Maintenance Supervisor Kevin Morris will review the bids and report his conclusions to the Millard County Commissioners at the next Commission meeting.

FILING OF DISCLOSURE STATEMENTS

There were none.

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

Commissioner Smith reported that the Comprehensive Land Use Plan meeting was held on February 15, 2005 in Delta, Utah with all the Commissioners in attendance. Commissioner Smith said the process of creating the Millard County Comprehensive Land Use Plan is continuing on. The Millard County Commissioners will be traveling to Washington D.C. to meet with Congressional delegation and staff to gain support for the land use plan and to discuss other concerns. They will also attend the NACO Conference in Washington, D.C..

Commissioner Smith attended the RS2477 Statewide Strategy Road meeting on February 24, 2005. An update was given on the two applications of the Memorandum of Understanding in Millard County and two applications in Beaver County and Daggett County. They are waiting for the BLM's response after they go through their process.

Commissioner Smith received a letter from the State Attorney General stating his legal opinion of what an RS24477 right-of-way was as opposed to a Title IV.

Commissioner Smith received some correspondence from Garth Shaw, Intermountain Health Designs about some concerns at the Millard County Long Term Care facility. The heat pump and air-conditioning units are not functioning properly and the tests showed that a minor alteration needs to be done to the system to correct the problem. It needs to be determined what the cost of the repairs will be and who is responsible for them. Commissioner Smith will keep a close eye on the

care center issue.

All the Commissioners, Gary Church and others attended the Six County Economic Development Recognition and Award dinner. Millard County gave their award this year to Oasis Seed Cooperative for their long standing service in the agricultural community. Delta City received the Six County Traveling Regional Beautification Award for improvements made to the city park.

Commissioner Smith advised the Commissioners that his wife will be traveling with him to Washington D.C. for NACO Conference. He will be paying for her expenses. They will be attending the wedding of his mother while they are in Washington DC.

Commissioner Walker attended the Senior Citizens board meeting in Delta, Utah. The center will be receiving a twenty-four passenger van from UDOT. They are hoping to fill the bus in order to justify the cost of the driver and the gas. The ME Bird Center's bus holds eleven passengers and eight passengers are required for a trip to Provo. The Pahvant Senior Center may want to share travel with them. Commissioner Walker reported IBW is doing a fund raising in behalf of the ME Bird Center for a new sprinkler system. West Millard Maintenance has completed the restroom project and the new kitchen cabinets should be finished in April.

Commissioner Walker reported she has been helping setup the Sunset Golf Course schedule and helping with the renovation plans of the clubhouse.

Commissioner Walker and Commissioner Smith attended Kai Martens' presentation on the Cosmic Telescopic Array project that was held on February 15, 2005 in Delta, Utah. Commissioner Cooper attended the Cosmic Array meeting in Fillmore, Utah.

Commissioner Cooper talked to Greg Abbott, APHIS, who said funding is still in place for a full-blown attack on the crickets by aerial spraying and baiting. The weather will be a determining factor of how bad the cricket infestation will be this year. Glayde Edwards represented Millard County at the cricket meeting with Director Leonard Blackham, State Department of Agriculture. The Department of Agriculture is planning to continue the cricket baiting program. Right now there are one hundred twenty-five bags of cricket bait available.

Commissioner Cooper talked with Bruce Costa at Central Utah Public Health Department about the request for an amendment on a Conditional Use Permit involving dumping waste on property owned by Greg Kesler.

Commissioner Cooper congratulated Millard High School's Boys Basketball Team for taking Fourth in the State Class 2A. Also congratulations to Delta High School's Girls Basketball Team for taking fifth in the State.

Deputy Clerk Janice Robins was excused from meeting today.

OTHER BUSINESS

David Allen, Sunrise Engineering Inc. made a request for the release of funds to be signed by Millard County.

Commissioner Smith made a motion to approve the release funds in the amount of \$6,068.97 to Sunrise Engineering Inc. The state is holding the money and will make the payment when Millard County signs the release of funds. Commissioner Walker SECONDED. The voting was unanimous. The motion carried.

Attorney Jackson said Millard County Assessor has asked the Commissioners to consider waiving Millard County's claim against Brian David Bunker, a deceased person, for some delinquent 2004 personal property taxes.

Commissioner Walker made a motion to follow the Assessor's recommendation to waive the taxes for Brian David Bunker on personal property in the amount of \$56.28. Commissioner Smith SECONDED. The voting was unanimous. The motion carried.

Attorney Jackson reported he has prepared a bid on the old Millard County Care Center. He has sent copies to George Ann Dillard and Greg Lobel and it will run three weeks in the newspaper, starting March 2, 2005. The deadline for submitting bids on the center is March 25, 2005. Bids will be opened in Commission meeting on March 28, 2005 at 11:00 a.m..

Commissioner Smith made a motion to amend the minutes of January 24, 2005 Page 6. changing the wording from Millard County Planning and Zoning to Delta City Planning and Zoning. Commissioner Walker SECONDED. The voting was unanimous. The motion carried.

Commissioner Cooper said they have a request from Sandrock Wranglers Riding Club to use the outdoor arena, race track, and stalls in Fillmore, Utah on August 5 & 6, 2005 for a District Riding Club Meet. They would like a rental break on the facilities. A decision was tabled until further discussion could be held in this matter.

Commissioner Cooper talked to Uintah County Commission Secretary Darlene Burns in behalf of Commissioner Abegglen, Commissioner White and Commissioner Haslem. After reviewing the counties' planned effort in regards to public lands, they have decided to disband the Rural Counties Public Lands Organization. Millard County had paid no member fees to the group.

After a brief discussion on the use of county facilities, Commissioner Walker made a motion to make a change in the policy of using county facilities. The Commissioners may waive the rental fee but not the other fees. Charges for fair building will be:

\$500.00 deposit of the said in the past

\$25.00 sound system rental fee

\$100.00 stall rental fee

\$200.00 screen & dividers rental fee

\$ TBD Tent rental fee

\$ TBD Table & Chair rental

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

The Millard County Commissioners made a decision to put the following article in the Millard County Chronicle Progress.

County Commission oversteps bounds

Millard County Commissioners exceeded their authority in appointing Dick Draper as Millard County Wild Horse Representative. The decision had been based upon a recommending by some wild horse enthusiasts during a January 2005 Comprehensive Land Use meeting.

The appointment was a volunteer position, affording Mr. Draper an opportunity to relay any concerns he noted while on the west desert to Commissioners. However, any citizen may make comments or express their concerns directly to the BLM Fillmore Field Office. The Commission appreciates Mr. Draper's willingness to serve and his interest in the wild horse program.

However, after consideration regarding the Commissioners' lack of authority over wild horses on public lands, the Commissioners had rescinded Mr. Draper's position. This decision is not a reflection of Mr. Draper or his abilities.

Millard County Commissioners and BLM personnel in the Fillmore Field Office have an excellent working relationship, and ample opportunities to discuss any concerns one-on-one.

The Wild Free Roaming Horses and Burro Act of 1971 gives the Department of Interiors' BLM the sole authority to manage, protect and control wild horses and burros on the nation's public lands in order to insure healthy herds and range lands.

Eric Reid is the BLM Wild Horse and Burro Specialist. Questions or comments regarding the wild horse and burro program should be directed to Eric Reid, or Sherry Hirst, Fillmore Field Office Manager.

The County Commission apologizes to Mr. Draper and all interested county residents for any misunderstanding or inconveniences caused as a result of their previous decision.

Millard County Sheriff Ed Phillips and Robert Dekker were in attendance. Sheriff Phillips gave a signed original of the contractual agreement between Millard County and Administrative Office of the Courts to the Clerk's Office for filing.

Sheriff Phillips and Robert Dekker discussed with the Commissioners, the Joint Resolution Supporting Counties Expansion of Facilities 2005 General Session in which it states the Legislature supports the jail expansion in Beaver, Millard, and Sanpete Counties through a contract with the Utah Department of Corrections.

Also discussed were the proposed expansion for the Millard County Jail. The project would be 100-bed addition to the existing jail for the purpose of contracting for the housing of inmates from the Utah Department of Corrections.

This project was approved in by the Millard County Commission in 2000-2001 and all of the design and engineering work was completed at that time. However, construction was put on hold as a result of an early release program that was temporarily put into place by the Department of Corrections.

Cost estimates: The estimated cost of construction in 2001 was \$2,235,000.00. No doubt the cost of construction has increased since that time and for the purpose of considering the feasibility of continuing with the project. Without getting a professional estimated cost of construction it is assumed that those costs in 2005 would not exceed \$3,000,000.00. The estimated cost of operating

the 100-bed addition over and above the operational cost of the present facility is \$750,000.00, not including the capital and the maintenance costs.

Revenue vs. costs: Estimate revenue	\$1,565,000.00
Estimated annual operating cost	<u>\$ 750,000.00</u>
	\$ 906,000.00

Sheriff Phillips brought up some budget concerns and suggested the county budget be re-evaluated. He reported the communication sites project should be finished by the end of April 2005. Also discussed was the Jeep Posse building remodeling project and which budget should be used for expenses.

Commissioner Smith reported he received a letter from the Millard County Attorney's Office with the names of all the property owner's giving permission for Millard County to move ahead on the Old Fields road west of Scipio. The changes have been staked and the project is ready to go.

Commissioner Walker said that Millard County Housing Authority Chairman Ronald Comeau reported that according to Farm Home, Mt. Catherine, an assisted living facility in Fillmore, Utah is currently meeting the state code for fire suppression on a building of that type. Fillmore City Mayor Starley doesn't think the system is sufficient on the north side of the facility. If the city or county wants to do an upgrade to the fire suppression system at Mt. Catherine, they would have to receive permission from Farm Home. Mr. Comeau was asked to send a letter to Millard County Attorney LeRay Jackson stating the fire suppression system meets current state code. Commissioner Smith was asked to talk with Fillmore City Mayor Starley about the matter.

Commissioner Cooper received a request for information from Sunrise Engineering Inc. about the CIBG funding for the Lynndyl Town project.

PUBLIC INPUT

There were none.

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

There were none.

WHERE UPON THE MEETING ADJOURNED

The meeting adjourned.

Attest: _____ Approved: _____

