

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 14th of MARCH 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 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? Commissioner Smith said the invocation. Everyone stood and said the Pledge of Allegiance to the Flag.

FOLLOW UP ACTION ITEMS FROM MINUTES OF FEBRUARY 28, 2005

There were none.

APPROVAL OF THE AMENDED MINUTES OF FEBRUARY 28, 2005

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

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 Report of March 4, 2005 & March 11, 2005 to review and sign.

Commissioner Smith made a motion to sign the Check Edit Reports of March 4, 2005 and March 11, 2005. Commissioner Walker SECONDED. The voting was unanimous. The motion carried.

Auditor Grace introduced some changes to the Millard County Policies and Procedures Manual.

Commissioner Smith made a motion to accept the changes made to the Millard County Policies and Procedures **Section IX - Compensation**

B-1 Regular part-time employees shall be eligible (*for a COLA*) after three (3) years of employment. (See Sec. VII-Employment Status).

D. Law enforcement and correction personnel will be deemed to have worked overtime when the time worked in a pay period exceeds 86 hours as allowed by the FLSA 7k exemption. For the purpose of calculating overtime under the Fair Labor Standards Act (FLSA), the work week shall begin at 12:00 a.m. on Friday and end at 11:59 p.m. on Thursday.

D.6 Only hours actually worked in any one work week (pay period for law enforcement and corrections employees) will be used in determining overtime. Vacation, sick leave, holidays, and other similar leaves will not be considered hours worked for calculating overtime.

I. Pay Day: Millard County employees will be paid on the second Friday following the pay period ending date. Pay checks will be deposited directly to a banking institution of the employee's choice, provided such institution participates in the automated clearing house system. If a pay day falls on a holiday, employees will be paid on the succeeding workday.

Also to be included in the Millard County, Utah Policies on Opening Statements in County Meetings, Donations or Contributions, and Indigent Death Expenditures.

Commissioner Walker SECONDED. The voting was unanimous. The motion carried. The motion will be ratified at next week's meeting.

Auditor Grace reported that a citizen has inquired about the possibility of purchasing some glass swimming pool panels that are county surplus property. The Commissioners authorized Auditor Grace to advertise for bids the ten glass panels, a dirt pile by the arena and several public safety vehicles. The county will shuffle around the vehicles and sell the rest.

Auditor Grace reported that the taxes on the Cheese Plant in Delta had been paid in full.

Commissioner Smith had a request for Millard County Road Department and the Millard County Weed Board to rehire one full time seasonal employee.

The problem with seasonal employees filing for unemployment benefits was discussed.

Attorney LeRay Jackson said his office will be completing a questionnaire from Utah Counties Insurance Program who is doing a feasibility study to see if it would be worthwhile for UCIP to provide health insurance coverage to the counties. Commissioner Smith asked some questions about insurance for the rodeo.

Commissioner Smith reported that he has some coyote vouchers that will be turned in for payment.

Millard County Treasurer John Hansen reported there has been a problem with a money shuttle from the Delta Office to an office in the old courthouse. LuAnne Miller from the Delta Office had receipted a payment for Marcia Hamblin's delinquent property taxes. The money was receipted and the cash payment was put in a white envelope and sent to the Treasurer or the Auditor's Office in Fillmore. The money cannot be accounted for in any of the deposits made to the banks. A search was done in the offices and in the county vehicles and offices but the money has not been found as of today's date. The Hamblin's taxes should be adjusted to show them paid because they have a receipt for payment in full.

Possible solutions to prevent this from happening again would be:

Do not accept cash for taxes in the Delta Office or deposit the money directly into the bank and not shuttle money to Fillmore.

A log could be kept of what money was sent, by whom it was sent, to whom it was sent with and to whom it should be delivered.

Commissioner Smith made a motion to make a Commissioners' adjustment on the property taxes of Marsha Hamblin with serial number DO 4015-2. Based on fact that she paid cash in the Delta Office, but the money has been misplaced. Because the receipt from the Delta Office shows paid in full, the Commissioners deem that the taxes are paid in full. The payment was made in cash so there is no way to have it replaced. Commissioner Walker SECONDED. The voting was unanimous. The motion carried.

Treasurer Hansen said he received a wireless bankruptcy petition stating that the company had experts review the taxes (\$1,537.35 in Millard County) and they deem it is way over valued and ask the court to make an adjustment and reduce the taxes to almost zero. The company has requested reduction of taxes in other counties.

SCOTT CORRY - FIRE DISTRICT : COVE FORT BUILDING INSURANCE

Scott Corry Millard County Fire District asked the Commissioners if Millard County has insurance on the building at Cove Fort that is jointly shared between Millard County Fire Department and Millard County Road Department. Before the building was constructed, there was an agreement made that the fire district would maintain the building and Millard County would insure the building.

Attorney Jackson said that the building is insured through Utah Counties Insurance Plan. Attorney Jackson will confirm with UCIP that the building is insured and he will report his findings to Mr. Corry. The trucks are insured by the fire district.

REVIEW AND POSSIBLE SIGNING OF AN AGREEMENT WITH PEHP, PUBLIC EMPLOYEES HEALTH PROGRAM

Millard County Attorney LeRay Jackson reported he had reviewed the agreement and he

recommended that the agreement between Millard County and PEHP, Public Employees Health Program be signed.

Commissioner Walker made a motion to sign the agreement with Public Employees Health Program, PEHP for 2005. Commissioner Smith SECONDED. The voting was unanimous. The voting was unanimous.

CONVENE AS THE BOARD OF EQUALIZATION

This item was tabled.

KEVIN MORRIS - OPENING OF BIDS FOR WEST MILLARD MAINTENANCE DEPARTMENT

There were none.

AWARDING OF BID FOR WEST MILLARD SWIMMING POOL FLOOR PROJECT

The bids were opened two weeks ago at Commission meeting and have been reviewed by Kevin Morris, West Millard Maintenance Supervisor.

Commissioner Walker made a motion to accept the bid for the West Millard Swimming Pool floor project from PEP Systems for \$26,325.00. Perma Bond Protective Coating's bid was \$37,508.00. There was \$45,000 set aside for the project, so there should be money left over. Commissioner Smith SECONDED. The voting was unanimous. The motion carried.

Kevin Morris will check to see if their business license is current.

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

All the Commissioners attended the NACO Conference in Washington D. C. from March 3 thru March 8, 2005. They enjoyed the conference. They were able to meet with Senator Hatch, Senator Bennett and the Congressional delegation to discuss county issues such as the Comprehensive Land Use Plan, the importance of the PILT payment to counties with public land in their boundaries and other concerns. They also met with Chris Cheney, Department Assistant of the Bureau of Interior over policy and budget and along with Beaver, Iron and Washington Counties talked about the PILT program. They were able to tell them what a financial burden it is to the counties to provide services to the public lands within their borders. They talked with Mark Ray, Assistant Secretary of Natural Resources and talked about the forest payments, the Forest Plan Revision and the road inventories that are being done. The key note speakers were Arizona Senator McCane and Mike Leavitt, Chairman of Department of Health and Human Services, Barbara Boxer, Joe Byden, and Mr. Dullas. They also met with Robert Widner, lobbyist and Randy Johnson, comprehensive land use plan consultant.

Commissioner Walker and Commissioner Cooper attended the Mayor's meeting in Delta, Utah on March 10, 2005. Items discussed at the meeting were:

Update CERT Program

911 Addressing System in Millard County
Millard County Comprehensive Land Use Plan

APHIS and the Department of Agriculture - Cricket Problem in Millard County

There is money appropriated by the state to help in the fight of the crickets. The Department of Agriculture will be doing an aerial spray of the crickets the last of April and first of May. APHIS will be baiting the forest and public land around the communities.

Commissioner Smith and Commissioner Walker attended the Millard County Tourism meeting Fillmore, Utah on March 9, 2005.

Commissioner Smith attended a GIS meeting on Tuesday, March 1, 2005. It was reported that Farm Service Agency is in the process of having one meter aerial photos of the agricultural ground in Millard County taken which is about one third of the county. Millard County could have the opportunity to have the remaining area of the county flown for one meter aerial photos at a cost of about (\$80,000.00). Money for this project was not budgeted in the 2005 budget but there is a line item (*Communications*) in the Capital Budget that could be used for this purpose. This money is used for public safety and the addressing system which is all inclusive. Also needed would be a server, to link all the buildings together to enable the GIS system to be run, at a cost of \$15,000.00 and an internet based software program from ARCGMS that will cost \$12,000.00. The Commissioners and others will discuss these issues further before a decision is made to follow through with the purchases of the photos, server and software. Commissioner Smith will talk with the AGRC to see what their program will be in regards to the aerial photos.

Millard County Road Department will be trading in their old GPS unit and purchase a new unit. There will be a \$1,500.00 trade in on the unit. Commissioner Smith reported that the road department's crusher is up and running very well. They are able to crush 400 tons of rock a day compared to 150-200 tons per day with the old unit.

Commissioner Smith reported he received applications from the State of Agriculture on the two roads on the Memorandum of Understanding in Millard County. He gave the applications to Millard County Attorney LeRay Jackson to review.

Commissioner Smith received a phone call from Ken Porter who inquired what is Millard County's involvement on the West Desert water issue. Commissioner Smith said a water meeting will be held at the West Desert High School on March 15, 2005 at 7:00 p.m. Another meeting will be held that same night from 5:00-8:00 p.m. in Ely at the BLM Office to take public comment on the proposed pipeline. The State Engineer Jerry Olds, Mike Styler, Robin Pearson, Parks and Resources and others will attend the meeting.

Commissioner Smith reported that he received a letter from the Department of Transportation stating that they are aware of the increasing off highway vehicle usage in southern Utah. They would like the county to review their management plans and contact Scott Monsen about this issue.

Commissioner Smith received notification from FishLake National Forest that they have an

OHV route designation project with a draft environmental impact statement that will be available for review. Commissioner Smith will respond to them about this matter.

Commissioner Cooper attended the Six County AOG meeting in Richfield, Utah. They discussed Six County business at the meeting. Applications for low interest housing will be available for the public at the Clerk's Office, the old courthouse and the county offices in Delta.

Commissioner Cooper attended the meeting that was set up by USDA Forest Service Ranger Robert Gardner. A specialist gave a presentation to Millard County, the BLM, UDOT, USDA Forest Service, and Soil Conservation District to encourage them to create a Cooperative Weed Management Agreement, CWMA in an effort to control weeds in the county. Tony Anderson from the Millard County Weed Board was chosen to be the CWMA Chairman. The Kanosh Band of the Paiute Tribe of Utah will be asked to participate in the CWMA. Commissioner Cooper asked to appoint Sheryl Dekker to serve as the secretary of the CWMA and to be a grant writer for the committee.

Commissioner Walker announced that the ATV Jamboree and the Millard County Tourism will have representatives to promote Millard County at the Doug Miller Outdoor Show in Salt Lake City on March 17 through 20, 2005. The Millard County Tourism Budget will fund the expenses for representatives.

OTHER BUSINESS

USDA Forest Service Ranger Robert Gardner brought in two road agreements between Millard County and USDA Forest Service to be signed. The possible signing of the agreements will be put on the agenda for next week's Commission meeting.

Sheriff Ed Phillips made a proposal for the county to consider contracting with UHP to run extra traffic enforcement shifts on I-15. The added shifts would help with safety issues, better security, and added revenues from the traffic fines and the sir charges which could possibly triple the county's investment. Sheriff Phillips said Iron County is currently contracting with UHP and he invited the Commissioners to talk with their Commissioners about the program. Sheriff Phillips suggested a program of at least 56 hours a week @ \$40.00 an hour be implemented. The Commissioners will discuss the issue and get back to the Sheriff.

They also discussed the possible jail expansion. The Resolution was not passed by the Senate, but will be considered at a special session on April 20, 2005. Further investigation will be done by interested counties and UAC. Sheriff Phillips said the state executive director is sending the Commissioners a letter explaining the results of the Legislature concerning this issue. Millard County will hold special meeting on Monday, February 21, 2005 at 1:30 p.m. to listen to public comment.

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 at 12:06 p.m.

Attest: _____ Approved: _____