

MINUTES OF BOARD OF COUNTY COMMISSIONERS  
MILLARD COUNTY THE 7th DAY OF AUGUST 2006  
AT THE COURTHOUSE, FILLMORE, UTAH

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

ALSO PRESENT: Dean Draper, Ken Martin, Mayor David Christensen, Bevan Johnson, Laurie Holt, Mike Holt, Sheryl Dekker, Joyce Barney, Jim Talbot, and Craig Poulson

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 month of August 2006.

PUBLIC WAS WELCOMED

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

OPENING STATEMENTS

Commissioner Walker asked if anyone had an opening statement to give? Commissioner Cooper related some experiences from the battle at the Alamo. Commissioner Walker quoted George Bernard Shaw. Commissioner Smith said the invocation. Everyone stood and said the Pledge of Allegiance to the Flag.

FOLLOW UP ACTION ITEMS FROM MINUTES OF JULY 17, 2006

There were none.

APPROVAL OF THE AMENDED MINUTES OF JULY 17, 2006

Commissioner Cooper made a motion to approve the amended minutes of July 17, 2006. Commissioner Smith 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.

Auditor Grace gave the Commissioners the Check Edit Reports of July 21, July 28, and August 4, 2006 to review and sign. The Commissioners were given the payroll report of July 21, and August 8, 2006.

Auditor Grace asked the Commissioners if they wanted to authorize the payment of the June IHC billing? The Commissioners asked her to hold off payment until after the meeting with IHC this afternoon.

Auditor Grace presented the Commissioners with several payroll changes which were approved.

Auditor Grace said there has been some confusion about how the second \$25,000.00 of home land security funds set aside by Millard County was to be spent. She had asked to Garth White and Janet Lindquist, CERT trainers what their understanding of the distribution of the funds were. Auditor Grace said it was her understanding that the first \$25,000.00 went to the cities and towns based on population.

The second \$25,000.00 would be used to promote the CERT program.

Commission Secretary Janice Robins was asked to check the past minutes to see if a decision had been made on how the second \$25,000.00 would be spent. (A search was done and the Commissioner's had not made a decision.) Steve Kimball and Paul Fowles CERT Commanders will be invited to Commission meeting to discuss the issue and make a decision on the allocation of funds.

Commissioner Smith made a motion to pay the invoice of \$116,283.00 from the Eagle Division of Tyler Technologies, Inc for the new computer program purchased by Millard County.

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

## DISCUSSION ON THE COMPACTOR AT THE FILLMORE TRANSFER STATION (LANDFILL) WITH BEVAN JOHNSON, FILLMORE CITY AND MIKE HOLT, KEELE TRUCKING

**Fillmore City Mayor Christensen** said that Fillmore City was here today to try and work out something with the compactor at the Fillmore Transfer Station. He said Fillmore City was happy with the current arrangement the city had with Millard County on the compactor. He sees no reason to change that. The city wishes to gather information about the status of the compactor. He

thought the compactor was put in to alleviate the problem of such a long distance for the residents of the Fillmore area.

**Sheryl Dekker**, Millard County said that in 1986 Millard County developed the transfer station program and the landfill in Delta. The compactor was put in place at that time to help reduce the number of loads transferred from the Fillmore area. This is a twenty year old set up and at that time Delta didn't have a private garbage service. Delta Garbage has complained regularly that the county is providing a place and a compactor for the Keele's and Delta Garbage can't do it. The biggest problem the county has is the maintenance and repair on the compactor. She would like to see Millard County turn the ownership of the compactor over to Fillmore City and/or to Keele Trucking. The county would then be relieved of the responsibility of the repairs, upkeep and electricity. The compactor was recently repaired for \$1,400.

**Mayor Christensen** said it is true there are other areas provided service by a private garbage service, however, there is a mileage discrepancy there. If you look at just Delta City then you can see why the transfer station and compactor were put in as it benefits the landfill also. Fillmore City residents pay a mandatory collection fee which the landfill gets. He asked if this wasn't right?

**Sheryl Dekker** said that was correct, but all the areas pay a fee and Delta Garbage charges a fee on top of that.

**Commissioner Cooper** said the county employees don't use the compactor. It is now being used by the Holts (Keele Trucking) and Fillmore City. That is why they think the ownership should be transferred. Usually county equipment is owned and operated by county employees and this is an exception to that rule.

**Mayor Christensen** said a meeting held on August 19, 2003 between Fillmore City and Millard County regarding the landfill. He didn't recall anything following through with the decisions of that meeting.

**Sheryl Dekker** said the main topic of that meeting was if the Class 4 landfill would be kept open three days a week or five days a week and whether Fillmore City would participate by having an employee the other two days during the summer months. The compactor was not discussed.

**Mayor Christensen** read some minutes of that meeting taken by Fillmore City Recorder Jackie Hart.

*Fillmore City currently has mandatory garbage pick up for all residents and some businesses. The other businesses either have Millard County dumpsters or they contract directly with Mrs. Keele. We would hate to lose mandatory pickup as garbage would be strewn all over county roads. Mayor Starley said it would not be fair for Keele Garbage to have to haul to the county landfill site because of the distance. Another garbage truck would have to be purchased and another employee hired in order to pick up all the garbage and take it to the landfill. Mayor Starley said that he would consider compensating Millard County fifty cents per household in order to keep the transfer station in Fillmore and allow the county to continue with garbage pickup as it*

*is currently being handled. The fee would not be paid by the citizens, but taken out of the monthly fees collected. The idea was taken under advisement by the county commissioners.*

**Sheryl Dekker** said that the transfer station was never being considered to be closed. Delta Garbage Service did complain about the county providing Fillmore City with a transfer station and a compactor and not making them haul to Delta. Fillmore City didn't end up paying the extra fifty cents but did raise their fees \$2.00 at that time.

**Mike and Laurie Holt** said they had bought Keele Trucking a month ago. They said the compactor had not been given timely repairs.

**Commissioner Walker** asked Mayor Christensen if he was willing to have the ownership of the compactor given to him if the county decided to do that?

**Mayor Christensen** said he would rather keep the system the way it is. It does save Millard County the bulky garbage being hauled over there and it saves the city also. They feel it works well. He said he hasn't set down with the Holts to see if they would be willing to accept some responsibility with the compactor.

**Commissioner Cooper** said the problem with the compactor is that during the operation of the compactor it is over loaded and then it over heats.

(Some of the comments from the audience were inaudible and the people wanting to make comments were again asked to come to the microphone to speak.)

**Commissioner Cooper** said the possession of the compactor is with Fillmore City and the Holts. It would be a better situation if the people who are using the compactor own it and pay for repairs and the operation of it. The county has been paying to repair the compactor. The compactor was part of the original plan and should be with the transfer station as it is a benefit to everybody. It helps keep the costs down and the number of loads down.

**Commissioner Smith** said that the meeting with Mayor Starley had been about a \$2 increase in Fillmore City's landfill fee. Millard County would want more for the use of the compactor and Mayor Starley had agreed to pay an additional fifty cents per household. But nothing was ever done with that agreement.

**Mayor Christensen** said before they would be able to accept the compactor they would want to do an evaluation of it. They would like to know if the motor is the right size for the equipment. A history of the repairs on the compactor was given to him by Sheryl Dekker.

**Sheryl Dekker** said that it seems there are problems each time there is a new hauler.

**Mike Holt** said he may be part of the problem but the other problems come from the compactor not being maintained. The machine can be overloaded because the warning light that tells you when

it is 3/4 full has burned out. We need to work together to find a solution to the problem. In talking with Dennis Bond last week he was told they were trying to get a copy of the manuals and when they do get a copy for Fillmore City to review.

**Sheryl Dekker** said that Millard County employees don't have time or the resources to maintain the compactor.

A decision was made that Fillmore City will evaluate the condition and use of the compactor and then come back to Commission meeting with a report. A maintenance agreement may be made later. The county is in the process of locating the manuals and will provide a copy to Fillmore City.

**Jim Talbot** said that the county bought the compactor to save Millard County money on gas and on number of trips. It should continue to be the responsibility of the county.

**Sheryl Dekker** said that the other towns drive in and out to the landfill.

**Ken Martin** ask why are they were talking about Delta's concerns when the compactor is a Fillmore issue. The issue is between Fillmore and Millard County and if Delta has an issue then let them come in and have a meeting about their concerns. He asked why action wasn't taken after the August meeting? As a citizen he would like to see the system left as it is.

**Commissioner Walker** said they will wait to hear from Fillmore City's evaluation of the compactor and a decision will be made later. Everyone was thanked for their comments.

#### JOYCE BARNEY-POSSIBLE SIGNING OF A PLAT MAP

Joyce Barney came before the Commissioners to seek the signatures of the Commissioners on Plat E and Plat F of the Sunset View Estates Subdivision.

Commissioner Cooper made a motion to sign the Plat E and Plat F of the Sunset View Estates Subdivision.

Commissioner Smith SECONDED the motion. The voting was unanimous and the motion carried. The plat maps were signed and will be recorded in the Recorder's Office.

#### COMMISSIONERS REVIEW AND APPROVAL OF MILLARD COUNTY EMERGENCY ACTION PLAN HANDBOOK, MILLARD COUNTY INDUSTRIAL, MAINTENANCE, AND CONSTRUCTION SAFETY HANDBOOK. POLICIES AND PROCEDURES, EAP SUPERVISOR TRAINING GUIDELINES, COUNTY WORK PLACE VIOLENCE POLICY, WORKPLACE VIOLENCE SUPERVISOR TRAINING GUIDELINES, WALKOUT-TAGOUT CONTROL OF HAZARDOUS ENERGY PROGRAM, HAZARDOUS COMMUNICATION PROGRAM

Attorney Jackson said that Vickie Jackson has been working on the two handbooks. The Commissioners have reviews the handbooks and they are ready for approval. There will be more copies made available to selected offices.

Commissioner Smith said that the road department plans to go through one section of the handbooks each week during their safety meetings.

The Commissioners thanked Vickie Jackson for the great job she had done on the handbooks.

Commissioner Smith made a motion to execute the Millard County Emergency Action Plan Handbook, Millard County Industrial, Maintenance, and Construction Safety Handbook. Policies and Procedures, EAP Supervisor Training Guidelines, County Work Place Violence Policy, Workplace Violence Supervisor Training Guidelines, Walkout-Tagout Control of Hazardous Energy Program, Hazardous Communication Program.

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

#### RATIFY THE CLOSING OF THE SALE OF THE OLD MILLARD CARE CENTER

County Attorney LeRay Jackson reported that the sale on the old Millard County Care Center has been finalized. The sale was for \$50,000.00 less \$150.00 for escrow fees and \$420.00 for Standard owners policy. The check for the balance of \$49,430.00 was given to the County Auditor. The file of the sale of the old care center will be in the county clerk's office.

Commissioner Smith made a motion to ratify the closing of the sale of the Old Millard County Care Center.

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

#### REVIEW AND EXECUTION OF A QUIT CLAIM DEED FROM MILLARD COUNTY TO UT-MILLARD, 1000 L.L.C.

County Attorney LeRay Jackson said that UT-Millard 1000, L.L.C's bid on the 20 acre parcel owned by Millard was accepted at Commission meeting on July 17, 2006 and he has prepared the Quit Claim Deed.

Commissioner Cooper made a motion to sign the quit claim deed from Millard County to UT-Millard 1000, L.L.C.

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

#### EXECUTION OF A QUIT CLAIM DEED FROM MILLARD COUNTY TO MIKE CLARK AND NORMA CLARK

County Attorney LeRay Jackson said that on July 17, 2006 Mike and Norma Clark's bid was accepted by the Commissioners. He has prepared a quit claim deed for the Commission Chair to sign. The property had been advertised in the newspaper and on the Millard County website.

Commissioner Smith made a motion to sign the Quit Claim Deed from Millard County to Mike Clark and Norma Clark.

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

## REQUEST FOR COMMISSION WAIVER FROM JACKIE NIELSON FOR COMMUNITY FIRST

Commissioner Cooper made a motion to grant the waiver for Community First to use the Millard County Fair Building on August 25 and August 26 for a free clothing give away.

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

## DISCUSSION WITH JAMES K. SLAVENS ABOUT THE PUBLIC DEFENDER'S CONTRACT

Mr. Slavens asked to go into a closed session.

Commissioner Cooper made a motion to go into a closed session to discuss the character and competence of an individual.

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

## SHERIFF ROBERT DEKKER, REVIEW OF BAILIFF CONTRACT

Sheriff Robert Dekker presented the Commissioners a copy of the amendment to the bailiff contract to include juvenile courts. Commissioner Walker and Attorney LeRay Jackson signed the document.

Commissioner Cooper made a motion to sign the amendment to the bailiff contract with the Administrative Office of the Courts of the State of Utah and Millard County for \$8,100.

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

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

Commissioner Smith and Commissioner Cooper met with Sheri Hirst at the Bureau of Land Management and was told that the Fillmore BLM Field Office was selected by the National BLM to go thru new training process similar to the public land process the county went through. People will be selected to attend the meetings to give their input on land issues. Steve Bonar will serve as the head person. Mary Erickson gave them an update on fire situation and they were invited to attend the Inter-agency Fire Management Team meeting. The Commissioners and Sheriff Dekker attended an open meeting in Oak City where the citizens were explained the procedure to manage the fire. The city was the number one priority and the resort area was second. Thanks were given to Oak City Fire Department, Howard Allred, Fire Marshal and the Mayor of Oak City. The county helped in supplying some road equipment and helped get to the water and worked on the roads. Everyone involved in putting out the fires did a great job. Commissioner Cooper was the contract person on both of the fires.

Commissioner Cooper announced he and Dean Draper from Millard County Chronicle Progress would be attending the BLM's wild mustang horse gathering on August 8, 2006.

On July 19, Commissioner Cooper attended the fire meeting in Kanosh to discuss the fires in the Cove Fort area. All the fire crews did a great job.

Commissioner Cooper and Commissioner Smith attended a meeting in Salt Lake City with Mike Styler, Department of Natural Resources, Jerry Olds, Boyd Clayton, Dean Baker, Jerald Anderson, Ken Hill, Dennis Stowell and Tami Kacuchi. Recommendations were made that be included in any agreement on the proposed pipeline project in the west desert and the state gave them a commitment to get back with the county. Millard County made a request that at least one member of the formulation committee would come from the west desert and Dean Baker was recommended. The county hasn't received word from the state yet.

Commissioner Cooper and Commissioner Smith, Leon Smith, Brian Cottam and a gentleman from the Utah School Trust Lands attended a CRMP meeting in Delta where they are finishing up the process there.

Commissioner Cooper attended the NALBOH, National Association Local Boards of Health Conference in San Antonio, Texas.

Commissioner Cooper attended the AOG meeting in Richfield, Utah. They discussed preparation for the legislative ride on August 15, 2006. The Congressional representatives were in attendance.

Commissioner Cooper attended the Central Utah Public Health Department meeting. The auditors from Kimball and Roberts gave a glowing report to public health. Last year, 4 million 100 thousand dollars pass through money that handled by programs through Six County. They used all but \$65,000 after operating all their programs. Commissioner Cooper is on the committee to chose a new health officer to replace Robert Resendes.

Commissioner Smith, Forest Roper, Richard Beckstrand, Leon Smith, Connie Hansen and Adam Britt met together to discuss the GIS systems in the county. The canopy system will link the Delta offices together. The website should be up and running soon.

Commissioner Walker reported that she attended a Millard County Economic Meeting on July 27, 2006.

All the Commissioners attended a Planning and Zoning BBQ on August 2, 2006 with their spouses.

Commissioner Walker reported that the first annual Little Miss Millard contest was held on August 4. There were twelve participants ages 7-10. The winner was Maddie DeLoach and will receive a \$100 cash award.

The Miss Millard Pageant was held that evening with Cristy Peterson as the reigning Miss Millard. The winner of the title of Miss Millard is Felicia Anne Chamberlain, first attendant Sara



Scott and second attendant Bealynn Taylor. Miss Millard will receive \$2,250 at the end of her reign, first attendant \$1000 cash scholarship and the second attendant will receive a \$700 cash scholarship. The prizes were larger this year as a decision had been made to not participate in the Miss Utah contest. The pageant was a huge success.

Commissioner Walker read a letter from the Church of Jesus Christ of Latter-day Saints thanking the county for their help in fighting the fire in the Cove Fort area. Thanks was given to all the organizations that helped in saving the fort and other buildings.

Attorney LeRay Jackson said that he had received one phone call on the public defenders contract.

## OTHER BUSINESS

USU Extension Craig Poulson reported that Ann Lundberg will be leaving for a full time job. She has offered to stay and help through fair time and with a few other projects. Mr. Poulson said he would like the Commissioners approval to start looking for a part time, twenty hour a week 4-H employee for Millard County. The person in this position works with volunteers and 4-H members in coordinating and setting up classes and activities with individual leaders.

Commissioner Walker reported that Millard County Fair Director Connie Christensen will be resigning after this year's county fair. A new director will be announced at Commission meeting.

On July 19, 2006 Commissioner Smith and Commissioner Cooper met with Dennis Goreman, AGRC and discussed the initial agreement Millard County has with the State of Utah to have color resolution photography taken of designated areas in the county. Commissioner Smith said a lower bid has been negotiated per square mile. UDOT will fly the area along I 15 which will reduce the cost for Millard County. The amended map of the areas Millard County will have flown will be redrawn showing the changes. Commissioner Smith said he had signed an agreement in behalf of the county.

Commissioner Smith reported he received a notice from the State Department of Interior that a study was being done to see if the Topaz Site qualifies as a historic landmark.

Commissioner Cooper said the BLM's scoping process for the EIS, Environmental Impact Statement on the Southern Nevada Water pipeline is about to begin. On July 19, the notice of intent was filed and the publication notice ends September 18, 2006. Penny Woods is the project manager. Comments must be submitted in writing by September 18, 2006.

Commissioner Walker said the Snake Valley residents want the White Pine Commissioners and the Millard County Commissioners to hold a public hearing so they can enter testimony to be used for the BLM scoping process. The Commissioners set the date of August 30 at 7:00 p.m. at the Millard County Office in Delta, Utah.

Commissioner Walker reported that West Millard Posse Commander Dan Bringard bought in a letter of appreciation for the extra effort the emergency incident management team gave in keeping the area safe during the fire in the Oak City area.

Commissioner Walker reviewed a letter from University of Utah stating the proposed license agreement between Millard County and the University of Utah was submitted to the review board. Names of those that donate will be put on a plaque. Donations will not be tax deductible, but this will not apply to Millard County.

Commissioner Walker read a letter from Lester E. Prall, enterprise Zone Coordinator stating that Millard County's request to expand the zone area for the Utah Enterprise Zone Tax Credit Program had been approved. The letter will be on file in the Millard County Clerk's Office.

Commissioner Walker read a thank you card from the Doyle Pace family.

#### PUBLIC INPUT

There were none.

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

Commissioner Smith made a motion to go into a second closed session to discuss the character and competence of an individual.

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

Commissioner Smith made a motion to go into a third closed session to discuss the character and competence of an individual as requested by Sheriff Dekker.

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

#### WHERE UPON THE MEETING ADJOURNED

Commissioner Cooper made a motion to adjourn the meeting.

Commissioner Smith SECONDED the motion. The voting was unanimous and the motion carried. The meeting adjourned at 12:37 p.m.

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

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

1:30 Commissioners, and IHC met to discuss Millard County Long Term Care Center  
Present were Auditor Brandy Grace, Treasurer John Hansen, Sheryl Dekker, Jim Beckstrand  
and Nancy Schmid.

3:30 Commissioners and elected officials met to discuss Chief Deputy raises