

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 4th DAY OF DECEMBER 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: Delta Mayor Gayle Bunker, Fillmore City Mayor David Christensen,
Reporter Dean Draper, Bruce Curtis, Greg Roper and Assessor Jim Talbot

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 December 2007.

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? Attorney Jackson gave a thought. Commissioner Cooper said the invocation. Everyone stood and said the Pledge of Allegiance to the Flag.

FOLLOW UP ACTION ITEMS FROM MINUTES OF NOVEMBER 27, 2006

There were none.

APPROVAL OF THE AMENDED MINUTES OF NOVEMBER 27, 2006

Commissioner Smith made a motion to approve the amended minutes of November 27, 2006. Commissioner Cooper SECONDED. 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 Report of November 30, 2006 to review and sign.

EXECUTION OF A QUIT CLAIM DEED FROM MILLARD COUNTY TO BROWN DIRT INC. (Jesse Brown)

Commissioner Smith made a motion to execute a Quit Claim Deed from Millard County to Brown Dirt Inc. (Jesse Brown) for 120 acres. Mr. Brown purchased the land for \$12,000.

Commissioner Cooper SECONDED the motion. The voting was unanimous and the motion carried. The deed was signed by Commissioner Walker and will be recorded in the Recorder's Office. The deed will be mailed to Mr. Brown and a copy will be on file in the Clerk's Office.

POSSIBLE APPROVAL OF THE CHANGE OF THE SOURCE PROTECTION ORDINANCE

Commissioner Smith made a motion to approve the change in the Water Source Protection Ordinance in Section 5-5-6-A to match the language in the Utah State Code.

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

DISCUSSION WITH DELTA CITY AND FILLMORE CITY ON LAW ENFORCEMENT CONTRACTS

Commissioner Walker said the law enforcement contract had been reviewed with Delta City and Fillmore City and all that is left is filling in the price of the services. Delta City Mayor Gayle Bunker asked for an address change for Delta City and \$7.00 a square foot for the rental of the building and cost of the COLA be changed in the language of the contract. He would change the language to state that if an officer was called out on an emergency they should send a replacement out within four hours instead of one hour. He feels like the cities are paying more than the citizens in the county and are being double taxed for law enforcement. He said county residents are paying about \$74 per capita and Delta is paying an additional \$61 per capita for law enforcement. (Commissioner Walker clarified that they have a designated deputy for Delta 24/7 and that citizens other than those in Delta and Fillmore don't have that coverage.) Delta City's proposal is \$195,000 a year for 24 hour coverage less the cost for office space and secretary (approximately \$37,000) making it a total of \$158,000. (This is approximately 40 percent off the total cost.) Mayor Bunker said because of their budget, Delta City will need to cut their coverage to 18 or 20 hours if the cost is not reduced.

Commissioner Walker said that the county's cost for law enforcement in Delta is \$331,592

with a 30 percent discount brings it to \$232,000 less the secretary's salary and rental of \$37,000 bringing the total to \$195,000. That is the figure Delta wants to start at and then take off the secretary's salary and rental costs. Commissioner Walker addressed the double taxation issue. A deputy is assigned to each side the county, however with the contract, Delta City is asking for 24 hour coverage 7 days a week. Fillmore City is asking for 18 hour coverage 7 days a week. This is more coverage than the rest of the county receives. It takes five full time officers to cover the 24 hour period and maybe three to cover the 18 hour period. The cost of full time employees:

- Average deputy salary is \$18.17 an hour or \$37,794 per year
- 5 deputies at \$37,794 x 5 = \$188,970
- benefits at 35% of the salary \$66,140

There are other costs besides the deputies salary and vehicle travel. Other expenses like uniforms, guns, radios, computers and etc. are not part of the total calculations. Millard County is not even asking the cities for the total cost of law enforcement.

Commissioner Smith said that county citizens are only paying about 30 percent of the taxes paid in the county now. Everything the county does is compounded by the fact that the value of IPP is going down every year. He feels that the cities are getting a good deal to have a 30 percent discount on the law enforcement coverage. The issue of double taxation is being addressed. Costs keep going up and values keep going down. Law enforcement costs the county maybe twice what the city is being charged because the city is only being charged for the deputies salary and the transportation. It would cost the cities twice as much to try and provide law enforcement by themselves. If Delta is not willing to pay \$195,000 then maybe services will have to be reduced in order to break even. Twenty-five percent would be cut if coverage went to 18 hours.

Commissioner Cooper said that this is the first Commission in twenty years that has had to face the lower valuations. Growth in the county is not keeping up with expenses. The cities have an advantage of having a dedicated officer assigned to them. Millard County is involved with negotiations with IPP that will affect all of us. The majority of the taxes in the county has been paid by IPP and as their value goes down so do their taxes and the revenue the county has to run on goes down. The county has only offered a 30 percent discount the last few years, before that there was no discount. The county's cost for law enforcement has continued to raise and the cities were not even given the actual total cost as a starting cost on the contract.

Fillmore City Mayor David Christensen said that in 2006 Fillmore City paid \$131,220 for law enforcement making four payments of \$32,805 and they are offering a 5 percent increase over last year which includes the 3 percent COLA for 18 hour coverage \$138,126 with four payments of \$34,536. He noted that there were a couple of changes talked about at previous meetings that need to be made on the contract. On page 3 there should be a six month notification for a termination. On paragraph 3.3 it states that is not automatically tied to the consumer price index for the year but by sitting down and negotiating. (Negotiate a COLA every year.) Possibly just having the salaries automatically changed to the COLA and not necessarily the rest of the contract. The changes were noted by the Commissioner and Attorney.

The Commissioners told the Mayors that they would take some more time to review the contract and will take the mayors proposals under advisement and will get back with them later.

DISCUSSION WITH GARY KELSO TO DISCUSS LONG TERM CARE

Commissioner Cooper made motion to recess the meeting to visit with Gary Kelso about the long term care in the county.

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

After the discussion Commissioner Smith made a motion to convene the regular meeting.

Commissioner Cooper SECONDED the motion. The voting was unanimous and the meeting reconvened.

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

Commissioner Cooper and Commissioner Walker attended a meeting in Delta with Linda Gillmore where they discussed issues with the USU Extension. Millard County has been without a Family Consumer Services Agent for the past year. A master's degree is required for the position, but the pay is low. There has been only one response for the position, but the lady would have to have taken a \$15,000 cut in salary and declined the offer. An option might be to hire a specialist with a bachelor degree who is working toward a master's degree as a 3/4 time employee. The Millard County Economic Development position was also discussed.

Commissioner Cooper and Mark Wood, UAC participated in a conference call with BLM Nevada over the EIS on the Nevada pipeline proposal. Millard County has signed the MOU with BLM Nevada. Commissioner Cooper said that Nevada was willing to amend the MOU with some of the suggestions made at the request of Jerald Anderson, Millard County's representative.

Commissioner Smith attended a Mental Health meeting in Richfield on Wednesday, November 28, 2006. A recent incident had occurred and a bed could not be found in Utah, Idaho or Colorado for a patient who was involved in an accident. An agreement was worked out with the Fillmore Hospital that if a deputy would watch the patient over night they would admit him for his other injuries. Deputy Rick Carter volunteered to watch the patient overnight at the Fillmore Hospital until a bed could be found. A bed was located the next day in Provo. Central Utah Mental Health will be sending a letter to Sheriff Dekker thanking Officer Carter for going above and beyond the call of duty.

Commissioner Smith attended a UCIP Board meeting on Thursday in Salt Lake City, Utah. They went over their financial situation and they are trying to build up their reserves. Millard County's premium increased from \$140,000 to \$168,000. Commissioner Smith expressed appreciation for the working relationship Millard County has with UCIP. UCIP is working on an in house workman comp. program which should be more efficient. At the meeting Ed Phillips presented a plaque for his service with UCIP and Attorney LeRay Jackson was thanked for his help with the litigation committee.

All the Commissioners worked on the budget again.

All the Commissioners, Attorney LeRay Jackson, Auditor Brandy Grace met with Nancy Schmid, Millard County Long Term Care Center and Chris Thompson from IHC who explained their billing process and how the facility is being run.

Commissioner Smith attended the road department training this morning. He said Gene Ekins announced his retirement the first of next year after about 35 years of service to the county. The Millard County Road Department is having a Christmas Party on December 20 at 1:00 p.m..

Commissioner Smith participated in a conference call with Brush Resources and they have asked for Millard County's support in expanding a county road to run to a new area for a crusher site. There are two roads that they would like to improve and Millard County will work with the BLM to make that happen.

Commissioner Walker attended the Millard County Long Term Care Center's Christmas Party that was held on November 30, 2006.

OTHER BUSINESS

Greg Roper handed out pictures and a plat map showing the property around 200 W 500 S. They own property by the road and would like to propose trading 66 feet of property with the county and widening that road. The piece of the road that jogs is only 30 feet wide and the rest of the road is approximately 66 feet wide. The Commissioners will talk with Thayne Henrie, road department and see what can be worked out with the Ropers to make the road wider and safer.

Anthony Fuller reported that his property with the gravel pit is doing well and the gravel is testing good. They have no contract with the county for gravel but have sold 60,929 cubic yards to the county. He requested the interest accrued on the \$35,000 cash deposit on the restoration bond be released to their company. The Commissioners and Attorney agreed that this could be possible and they will talk with Treasurer John Hansen to release the money to Mr. Fuller.

Commissioner Smith made a motion to sign the settlement agreement of the valuations of IPA for the tax years 2007, 2008 and 2009.

Commissioner Cooper SECONDED the motion. The voting was unanimous and the motion carried. Two copies were signed and one copy was given to the Clerk's Office and one will be sent to Reed Searle at IPP. Commissioner Smith stated that three years ago Millard County had an agreement with IPA and this agreement is for the next three years. IPA has revised their value by increasing the life of the plant out fifteen more years to fifty years, instead of thirty five years. Millard County had hired an independent consultant, Brent Eyre who reviewed the data IPA had given the county. The State Tax Commission property tax division did two appraisals of the property and they came up with figures that were within 3 percent of IPA's figures. The agreement adds about one hundred million dollars to the value of IPA from the value schedule they were on three years ago. With their depreciation schedule changing they will depreciate at about forty one million dollars instead of ninety three million dollars. The depreciation rate on new or improved equipment that will be added will be dropped to 1.6 percent. The Commissioners reported they had

met with IPA several times. They expressed their appreciation to Treasurer John Hansen and Attorney LeRay Jackson for their help in negotiations on the settlement agreement.

Attorney LeRay Jackson said that Mike and Joyce Barney have asked for an extension on their RV park. The Barneys were advised to go through Leon Smith and Millard County Planning and Zoning so there will be a record of the extension.

Commissioner Smith brought up a couple of possible dates for the annual courthouses Christmas Party that could be held either on December 11 or December 18 at noon in Fillmore.

Commissioner Walker received a letter from Randy Sant, the RDA consultant Millard County had hired during the proposed Brush Wellman project. The bill was for 21 hours @ \$90 an hour, total amount \$1,890.00.

Commissioner Smith made a motion to pay Randy Sant out of Economic Development promotions budget.

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

Commissioner Cooper made a motion to pay the December billing for Randy Johnson in the amount of \$1,500.00.

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

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

Commissioner Smith made a motion to adjourn the meeting.

Commissioner Cooper SECONDED the motion and the meeting adjourned at 12:27 p.m..

Attest: _____

Approved: _____