

MINUTES OF BOARD OF COUNTY COMMISSIONERS  
MILLARD COUNTY THE 16th DAY OF JANUARY 2007  
AT THE COURTHOUSE, FILLMORE, UTAH

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

ALSO PRESENT: DeeDee Rose, Congressman Cannon’s Office, Mr. Rose, Lindsay Mitchell, Sheriff Office, Dean Draper, Millard County Chronicle Progress Reporter, Mel Bowling, UDSA Forest Service District Ranger

PURSUANT TO AN AGENDA WHICH HERETOFORE HAD BEEN PROVIDED TO each member of the governing body, the local news media 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 January and February 2007.

PUBLIC WAS WELCOMED

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

OPENING STATEMENTS

Commissioner Smith 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 JANUARY 2, 2007

There were none.

APPROVAL OF THE AMENDED MINUTES OF JANUARY 2, 2007

Commissioner Walker made a motion to approve the amended minutes of January 2, 2007. Commissioner Cooper 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. An invoice from Utah Association of Counties, UAC, for 2007 dues in the amount of \$13,142.00 had been sent to the county. A second invoice was received for the 2007 assessment to Public Lands in the amount of \$4,000.00. Both invoices were reviewed and discussed.

Commissioner Cooper made a motion to pay the invoices from UAC and Public Lands.

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

Auditor Grace received notice that the Central Utah Counseling Center's audit will be presented at their meeting on January 24, at 4:30 p.m.. She will not be able to attend and would like someone else to attend. Commissioner Smith offered to attend.

Auditor Grace gave the Commissioners the Payroll Report of January 10 and the Check Edit Report of January 12, 2007 to review and sign.

The Auditor gave the calculations on the commission for the golf pro to the Commissioners to review. (Later in the meeting the Commissioners approved the amount to be paid Mr. Mullen.)

Four payroll changes from the Millard County Sheriff's Office were reviewed and approved by the Commissioners.

Roger Young - Length of service increase

Travis Keele - New hire

Colby Carter - Length of service increase

Russell Monroe - Part time to full time at the jail

At the request of Delta City Mayor Gayle Bunker, twenty Millard County history books will be delivered to the Delta City office with an invoice from the Auditor for \$15.00 each. An invoice for the balance of the 2006 law enforcement contract will be sent to Delta City.

## DISCUSSION ON POLICY CHANGE ON THE USE OF COMP-TIME

The Commissioners discussed the current policy on the use of comp-time.

*IX. D.2. Overtime shall be paid and/or all comp-time accrues at the rate of time-and-one-half (1 & ½) the regular rate of pay. All authorized monetary payments for overtime shall be issued on the regularly scheduled pay day for the work period in which it was earned.*

*IX. D.3. Records of overtime hours worked shall be maintained by the department head/elected official, county auditor, or designee for all employees and shall be retained for a three (3) year period.*

*IX. D.9. The maximum amount of compensatory time which may be carried over from one*

*year to the succeeding year is forty (40) hours. Compensatory balances for every employee must be reduced to meet this limitation by December 31<sup>st</sup> of each year. This may be accomplished by either taking the accrued hours as time off or by being paid for the number of accrued hours at a rate equal to the highest hourly rate of pay earned by the employee during that year.*

Some of the opinions brought out during the discussion.

- Comp-time should be taken off and not paid for.
- Vacation time should be taken off.
- Sheriff Office has to find someone to cover the shifts so money cannot be saved in their budget by changing the policy.
- The road department employees use their comp-time to cover holiday shifts to make their forty hours a week. This is necessary because they work four ten hour shifts and holidays are only eight hours.
- If employees are allowed to carry forty (40) hours then the hours might be paid at the new year's rate and may cost the county more money.
- The payroll records could be reviewed to see where the cost is coming from.

After discussing the pros and cons of making a change to the policy, several suggestions were made:

- The policy may not need to be changed, however;
- Some flexibility needs to be available because of the differences in the way some departments schedule their shifts
- It should be the elected officials' responsibility to monitor the use of comp-time within their offices.
- The Commissioners should monitor the use of comp-time within the departments.

The Commissioners will meet with the elected officials on February 6, to further discuss the use of comp-time.

## FINANCIAL DISCUSSION ON MILLARD COUNTY LANDFILL-TREASURER JOHN HANSEN

Millard County Treasurer John Hansen said that in reviewing the year end financial reports provided by the Auditor's Office, there are some items that he wishes to bring up to the Commissioners. Millard County Landfill is a proprietary account and as such should be able to generate sufficient revenue not only to meet its operating expenses but to include a reserve for depreciation for the replacement of capital assets such as machinery and other equipment. At the present time and based upon the revenues received vs. expenses, it doesn't look like that is going to happen. Along with the plan he has talked about with the Commissioners recently, attention needs to be given to this issue and a discussion should take place with the people over the landfill to see what can be done to clarify that issue in the future.

Commissioner Walker made a motion to propose an increase to the landfill fee of one dollar (\$1.00) in order to meet those obligations and proposed to amend the current policy by resolution.

Commissioner Cooper SECONDED the motion and asked for a discussion. Attorney

Waddingham said that an increase in fees needs to be done by resolution and recommended that a new resolution be approved each time an increase is made so the public would be made aware of any changes. Commissioner Walker said that in 2005 a discussion was held and all landfill financial data was reviewed. At that time, the county determined to increase the landfill fee one dollar (\$1.00), with the understanding that in order to meet their obligations they will need to increase the landfill fifty cents (.50) a year per household hereafter. An increase did not take place during 2006, so an increase of one dollar, (\$1.00) is to bring up the deficient amount.

The voting was unanimous and the motion carried.

#### LINDSAY MITCHELL-SHERIFF'S OFFICE-POSSIBLE APPROVAL OF AN AMBULANCE ABATEMENT

Lindsay Mitchell, Sheriff's Office came before the Commissioners with two requests for ambulance abatements. One request was from Tonya Bennett who wanted an abatement for her ambulance bill of \$681.10. The Commissioners reviewed her income and expenses and then determined that she doesn't qualify for an abatement.

Commissioner Walker made a motion to deny the request from Tonya Bennett for an ambulance abatement.

Commissioner Smith SECONDED the motion. The voting was unanimous and the motion carried. A payment plan will be set up for Mrs. Bennett by First Professional.

The second request was from Sheldon Otten for an ambulance abatement of \$523.42. The Commissioners reviewed his income and expenses. Lindsay Mitchell said he has made several \$10.00 payments.

Commissioner Cooper made a motion to approve a 50 percent abatement on Sheldon Otten's ambulance bill of \$523.42.

Commissioner Walker SECONDED the motion. The Commissioners discussed the current policy on abatements and then Commissioner Cooper withdrew his previous motion.

Commissioner Cooper made a motion to abate the ambulance bill (\$523.42) for Sheldon Otten based on indigency and his income.

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

#### REVIEW AND POSSIBLE APPROVAL OF A SECRETARY AND RENTAL CONTRACT FOR MILLARD COUNTY ATTORNEY

Millard County Attorney Richard Waddingham said that the contract is basically the same contract the county had with the prior county attorney. The Commissioners reviewed the contract.

Commissioner Cooper made a motion to approve the rental-secretarial contract for Millard County Attorney Richard Waddingham. The agreement is for a monthly rental sum of \$1,469.16 and a monthly secretarial sum of \$3,530.83.

Commissioner Walker SECONDED and asked for a discussion. She wanted to clarify that the cost of living will be for the employee only and not on the rental agreement. Commissioner Cooper said that he believed the work load justifies this contract with the county attorney. The

voting was unanimous and the motion carried. The contract will be filed in the Millard County Clerk's Office.

#### POSSIBLE APPOINTMENT OF BOARD MEMBERS TO SPECIAL DISTRICT NUMBER 8

Commissioner Cooper made a motion to approve the appointments of Kelby Swallow and Brent Tolbert to serve as board members of the Special District Number 8.

Commissioner Walker SECONDED the motion. The voting was unanimous and the motion carried. The document will be filed in the Clerk's Office.

#### AMENDMENT TO RENTAL FACILITY POLICY

Millard County Attorney Richard Waddingham said the original policy had language in it that said the Commissioners may elect to waive up to 50% of the designated fees for the use of county facilities if they determine the county is receiving fair value in return. The language comes as a result of a lawsuit in Salt Lake County that the county doesn't have the right to disburse money or provide other benefits to private enterprise unless it receives adequate consideration. The adequate consideration must provide a present benefit that represents the fair market value. Attorney Waddingham said that is difficult to do. The legislature, in response to the case, adopted a new law that a county may not provide services or monetary or non-monetary assistance to or waive fees required to be paid by a non-profit entity unless the county receives fair and adequate consideration in return. Consideration paid to the county may be non-monetary and include anything that in the judgement of the Board of County Commissioners contributes to the safety, health, prosperity, moral well-being, peace, order, comfort, or convenience of county inhabitants. This law is applicable to a non-profit entity.

Commissioner Walker made a motion to approve Resolution No. 07-01-16, A Resolution by the Millard County Commission Amending the Millard County Facilities Use and Rental Policy "Exceptions to the Fee Schedule."

Commissioner Cooper SECONDED the motion. Millard County Clerk called for a roll call vote. Commissioner Walker. YES. Commissioner Smith. YES. Commissioner Cooper. YES. The voting was unanimous and the motion carried. The Resolution includes a new form for Request for Commission Waiver and it will be available in the County Recreation Office. The Resolution will be on file in the Clerk's Office.

#### REVIEW AND POSSIBLE APPROVAL OF A BUSINESS LICENSE FOR DIAZ PLASTERING-OWNER ALBERTO DIAZ

The Commissioners reviewed the business license application and found all the signatures were in order.

Commissioner Walker made a motion to approve a business license for Diaz Plastering-Owner Alberto Diaz.

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

RATIFY THE MOTION TO SIGN A CONTRACT WITH LEON SMITH FOR PLANNING AND ZONING CONSULTANT SERVICES AND BUILDING INSPECTIONS

Commissioner Cooper made a motion to ratify the motion to sign a contract with Leon Smith for Planning and Zoning Consultant Services and Building Inspections.

Commissioner Walker SECONDED the motion. The voting was unanimous and the motion carried. The document will be on file in the Clerk's Office.

REQUEST FOR COMMISSION WAIVER-MERRIE JO SMITH, DELTA AREA CHAMBER OF COMMERCE

Commissioner Walker said the Delta Area Chamber of Commerce, a non-profit entity, would like to have some consideration on fees for use of the exhibit building, 25 tables, 200 chairs, the stage and dividers for the Snow Goose Festival Dinner and entertainment on February 24, 2007.

Commissioner Walker made motion to waive the fees 50 percent for Delta Area Chamber of Commerce to use the Fair Exhibit building, tables, chairs, stage and dividers on Saturday, February 24, 2007 for the Snow Goose Festival. Such use of the fair building would contribute to the prosperity and convenience of county inhabitants.

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

REQUEST FOR COMMISSION WAIVER-STEVE REGAN CO

Commissioner Walker said a request was received for Commission Waiver from Steve Regan Co. to use a county facility to educate farmers on new chemicals and receive CCA points toward pesticide license on February 20, 2007. The seminar is free to the public. The request was reviewed and discussed. Public entities are also involved in this meeting including USU Extension and the road department.

Commissioner Cooper made a motion to waive the rental fees and sound system 50 percent for the training seminar hosted by Steve Regan Co. and others. Several county and public representatives will be in attendance. Steve Regan Co. is providing lunch to attendees at no charge in lieu of payment of full rental fee and use of the facility would contribute to the convenience of county inhabitants.

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

RATIFY THE MOTION TO APPOINT COMMISSIONER DARON P. SMITH AS COMMISSION CHAIRPERSON FOR 2007

Commissioner Walker made a motion to ratify the appointment of Commissioner Daron P. Smith to serve as the 2007 Commission Chairperson.

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

## FILING OF DISCLOSURE STATEMENTS

Disclosure statements were filed by:  
Elizabeth R. Bartholomew  
Brandy Grace  
Debra A. Arnold  
David W. Jackson  
Richard J. Carter  
Frank T. Paxton  
William J. Justesen  
Ben McDonald  
Daniel Rowley  
Richard Waddingham

Attorney Waddingham said that according to state law any persons elected, appointed, or employed who are doing business with the county need to disclose any business interest publically before their respective board(s) as well as file a disclosure statement.

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

Commissioner Cooper reported he met with Sheriff Dekker about the continuance of CERT funds. Sheriff Dekker will handle any CERT issues. Commissioner Cooper said the money the county has been putting toward CERT is not ongoing. The cost of administration and cost of the program will be evaluated yearly.

Commissioner Cooper attended a UAC meeting in Salt Lake City. Millard County is interested in having County Attorney Richard Waddingham work with consultant Mark Ward concerning the Southern Nevada Water Agency's attempt to appropriate water near the Utah-Nevada border.

Commissioner Walker and Commissioner Smith met with Judy Christensen to discuss compliance issues and new by laws.

Commissioner Walker met with Nancy Schmid, Millard County Care Center Administrator, to discuss changes at the care center by closing two wings and reducing the staff's hours. The proposed cost cuts are not enough and they will continue to look at new solutions.

On January 9, Commissioner Walker, Commissioner Smith, Sheryl Dekker, Gary Church, and Roger Killpack interviewed applicants for the part time economic director and tourism position. Linda Gillmore will be the new Millard County Economic/Tourism Director and she began work on January 15, 2007.

On January 15, Commissioner Smith, Commissioner Walker, Linda Gillmore, and three

representatives from Sunrise Engineering met with the site selection team who is interested in a site to possibly build a large manufacturing plant between IPP and Brush Resources. The land is a twenty-section parcel of Utah School Institutional & Trust Lands Administration. A moderate size plant would hire three hundred full time employees and a full size plant would hire six hundred employees. The site team seemed impressed with Millard County. Adam Britt, Millard County GIS printed and distributed county maps to the visitors. Plans have been made to build a county infrastructure map for people interested in bringing a business to the county.

Commissioner Smith and Commissioner Walker visited county facilities with Max Wood, Wade Tolbert and Kevin Morris to see which kitchen sites could be brought up to code so food could be prepared for various functions. The fair building kitchen was the only kitchen site selected. Two thousand dollars for bins and other equipment would need to be purchased to update the facility.

Commissioner Cooper and Commissioner Smith visited with Craig Poulsen and Chris Saunders and others about the Food and Consumer Sciences vacancy that has been vacant for more than a year. USU requires a master's degree and there has only been one applicant for the job. They would have had to take a large cut in salary. The group came up with a possible solution that will be suggested to USU for final approval. The county could hire someone with a bachelor's degree and give them 3-5 years to obtain a master's degree. There are several people in our county that would be interested in the job that already hold a bachelor's degree. Millard County's 4-H program use to be one of the best in the state, but that is no longer the case.

Commissioner Smith attended a Special Service No. 8 dinner on Wednesday, January 10<sup>th</sup>. Dick Willoughby who served for twenty years and served as the chairman has retired. He was given a stop watch as a thank you gift. Mike Styler was also thanked for his service on the board.

Auditor Grace and Treasurer Hansen will be leading a discussion and work meeting on the financial outlook for the county and review of last year with the elected officials on February 6, at 1:30.

Commissioner Smith reported that the county had received Beaver and Juab's IPP Settlement Agreement and are waiting for the others to come in.

## OTHER BUSINESS

Auditor Grace and Treasurer Hansen said that they had received letters from the State Auditor's Office stating that several Millard County entities haven't sent in their reports and the county was to withhold funds for Millard County Drainage Districts No. 1 and No. 4, Millard County Fire District and Millard County Water Conservancy District. Treasurer Hansen said that they have finished the year end distributions and they have already been disbursed. Any future revenues will be withheld until the districts become compliant. Commissioner Smith said some of the districts have talked with the state and they are frustrated with the situation. Treasurer Hansen said it will help if they would get written answers and the name of the party they talk to. The Auditor and the Treasurer would be willing to help them fill out the budgetary papers if they would ask for help.



Treasurer Hansen said the county has received a proposed settlement from the State Tax Commission from a centrally assessed taxpayer, Citizens Telecom of Utah. They had paid the taxes that they determined to be due, but it was not the total amount owed.

Auditor Grace said that her office thought that the \$11,000 electronic check showing on the bank statement was for forest reserve money, but then a \$35,000 electronic check came in. Commissioner Smith will check with Teri Taylor to see if the county road department has sent out an \$11,000 work bill for work done by them. Auditor Grace asked to have all invoices sent to them for any work billed so they can identify the electronic deposits in the bank statements.

Commissioner Walker will talk to Linda Beard to see if payment has been made on the \$500 @ day rental of the fair building by the fire personnel during the fire near Oak City this summer.

Commissioner Cooper talked to Park Ranger Jeff Rasmussen at Yuba State Park who is asking for people names to be contacted to build a resource plan.

Commissioner Cooper said that Millard County had made a decision to not join the Western Counties Alliance this year and to decline the billing that was received.

Commissioner Walker said that with the retirement of Gary Church, Linda Gillmore will serve as the Chairperson of the Millard Economic Development Association Board. Mrs. Gillmore will need a purchasing card.

Commissioner Walker made a motion to appoint Rob Droubay to serve on the MEDA Board.

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

## PUBLIC INPUT

Mel Bowling, the newly appointed USDA Forest Service District Ranger Fillmore District, introduced himself and gave a brief update on Forest Service activities.

- The final Environmental Impact Statement on the Off Road Vehicle Route Designation is now available.
- The Forest Service is still operating on continuing resolution until February 12, 2007 and from what they are hearing all of fiscal year 2007 may be on continuing resolution.
- In December they received some information about the Forest Plan and will share it with the Commissioners. Also, received in December was a categorical exclusion authority. Some edits are being done and hopefully the plan will be finished the later part of this year. They are not aware of any changes that are going to be made.
- All the forest service fire areas were re-seeded in the fall. Hopefully it will be successful. They will continue to work on rehabilitation efforts with noxious weed abatement and they will be monitoring the areas.
- Forest Service engineers are working on updating road maintenance agreements.

They will be meeting with Millard County to renegotiate the costs for road maintenance.

- Included in the packet provided to the Commissioners were some of the national news letters and public lands letters.
- The Commissioners told Ranger Bowling that part of the Governor's petition will include the statement that Millard County Commissioners are against the north fork of Corn Creek being designated as wild and scenic. The protest had been brought up during all the planning phases of the Forest Plan and letters have been written stating their concern about what the long term effects would be if it was designated as wild and scenic. The Commissioners thanked the USDA Forest Service for including them in the planning phase and appreciated the update given to them today.

Chronicle Progress Reporter Dean Draper asked about the landfill increase.

DeeDee Rose from Congressman Chris Cannon's Office gave the Commissioners greetings from Congressman Cannon. She said that on January 26, Congressman Cannon, Lt Governor Herbert, Western Counties Alliance members and others will be in Nephi to discuss issues. The Dairy Advisory Board will meet at 11:30 in the USU Extension Office.

#### BID OPENING AND REVIEW OF BIDS FOR CUSTODIAL SERVICES FOR THREE BUILDINGS IN THE DELTA AREA-KEVIN MORRIS, WEST MILLARD MAINTENANCE

Attorney Richard Waddingham opened two bids for custodial services for the Millard County Offices in Delta, the Millard County Recreation Office and the Millard County Posse Building.

Bids were opened from:

Jaime Bassett            \$1,500 a month for all three buildings.  
(Will post a security bond)

Rebecca Peterson       \$500 a month for USU Extension Building and Recreation  
\$300 a month for Posse Building  
\$500 a month for Millard County Offices  
(Will post a security bond)

Commissioner Cooper made a motion to accept the custodial bid from Rebecca Petersen for a total of \$1,300. The acceptance is contingent upon her being able to post the security bond and pass the criminal background check.

Commissioner Walker **SECONDED** the motion and asked for discussion. She asked if there should be a probationary period? Kevin Morris said that was covered in the contract she would sign. The voting was unanimous and the motion carried.

Reporter Dean Draper asked about the status of the solar generator west of Hinckley? Commissioner Smith said that it looks like it is in a developmental stage. The Commissioners answered that when the company decides to do something they will need to obtain a Millard County

Conditional Use Permit before they proceed.

Mr. Draper informed the Commissioners that the State Fire Marshall had taken an interest in the fireworks depository near Hinckley. The Commissioners said that a message has been sent to the owners that they will need to get a conditional use permit.

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

There was none.

WHERE UPON THE MEETING ADJOURNED

Commissioner Walker made a motion to adjourn the meeting.

Commissioner Cooper SECONDED the motion. The voting was unanimous and the meeting adjourned at 12:25 P.M..

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

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