

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 17th DAY OF APRIL 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: David Christensen-Fillmore City Mayor
Gary Walker-Millard County Planner/Building

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 April and May 2007.

PUBLIC WAS WELCOMED

The meeting began at 10:07 a.m. after a brief welcome by Commissioner Smith to the public and Commission members.

OPENING STATEMENTS

Commissioner Cooper gave an opening statement and expressed the Commissioners' sympathy and sadness over the tragedy at the Virginia Tech Campus where thirty-two students were shot and killed. He said their thoughts and prayers are with the families and friends of the deceased and injured. Commissioner Smith said the invocation. Everyone stood and said the Pledge of Allegiance to the Flag.

FOLLOW UP ACTION ITEMS FROM MINUTES OF APRIL 3, 2007

There were none.

APPROVAL OF THE AMENDED MINUTES OF APRIL 3, 2007

Commissioner Walker made a motion to approve the amended minutes of April 3, 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 for \$41.41 from the Fillmore Shell IFA for chain purchased for the Millard Eagle FFA's panel project for the Millard County Jr. Livestock Show was approved for payment.

Auditor Grace gave the Commissioners the Check Edit Report and the Payroll Report of April 13, 2007 to review and sign.

The March IHC invoice for \$90,800.31 for the Millard County Long Term Care Center and for \$9,150.24 for the patient beds in Fillmore were reviewed by the Commissioners. Auditor Grace said the total budget for long term care was \$500,000 and if this invoice was paid then \$486,000 will have been spent within the first quarter of the year.

The Commissioners were given an Affidavit of Indigency from Susie Haveron for burial expenses for her deceased husband Michael Haveron. A death certificate was attached but a bill from the mortuary was not included. The Commissioners reviewed the county policy on indigent burial.

Commissioner Cooper made a motion to pay \$995 to cover the cost of Mike Haveron burial expenses contingent on Southern Utah Mortuary's commitment that "there shall be no additional amount collected by the mortuary."

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

Later in the meeting Auditor Grace reported that she had talked with Southern Utah Mortuary on the telephone and was told the cost of the Haveron funeral was too expensive and the Mortuary could not write off the costs.

Commissioner Cooper made a motion to rescind the previous motion based on information given to the Auditor by Southern Utah Mortuary.

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

Auditor Grace said she has received bids for two of the properties that are being advertised as surplus real property. A \$150.00 bid was made for a 10.91 acre parcel and a \$400.00 for a 10-acre parcel.

Commissioner Cooper made a motion to reject both bids as they were too low.

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

JLENS PROJECT-DUGWAY PROVING GROUNDS-HERBERT AND MIKE ROBINSON

They were not present.

RATIFY THE DECISION FOR THE COUNTY LANDFILL TO CEASE SERVICE TO BUSINESSES FOR 40 YARD INDUSTRIAL DUMPSTER BINS

Fillmore City Mayor David Christensen asked for a clarification on the last week's motion made by the Commissioners to discontinue providing businesses with the 40-yard industrial dumpster bins.

The Commissioners said that the decision was made after an evaluation of the county's cost of providing the service. They found the cost of providing the service was higher than the fees being charged by the county and they would need to raise the fees if they continued with the service. They found that other counties had dropped this type of service when it could be provided by a private company. Only the 40-yard industrial dumpster bins will be affected by the Commissioners' decision. The county plans to sell their 40-yard industrial dumpster bins and not compete with private business. The businesses in need of the service will be free to contract with the private company of their choice. The service does not have anything to do with any agreement Millard County has with the cities.

Commissioner Cooper made a motion to ratify the decision to cease service of providing 40-yard industrial bins to businesses starting June 1, 2007.

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

The motion was amended by Commissioner Cooper to state that the county will cease the service on July 1, 2007 which should be enough time for the businesses to get a new provider.

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

POSSIBLE APPROVAL OF WAIVING PROPERTY TAXES FOR ACTIVATED NATIONAL GUARD MEMBERS

The request of waiving property taxes for activated guard members made by American Legion Post 61 was discussed by Auditor Grace, Treasurer Hansen, Attorney Waddingham and the Commissioners. They determined that there are several issues that need to be addressed before a decision can be made on this request. A decision by the Commissioners will affect the taxes collected by the school district, the cities, and other taxing entities and those entities should be consulted before a decision like this is made. Further discussion was tabled until the next meeting and this will give Attorney Waddingham time to review the state law to see what the Commissioners can statutorily do to waive the taxes.

Auditor Grace said that Millard County has two employees who will be on active duty beginning in July 2007. The employees retirement benefits and their years of service will continue to accrue while they are away. They will be allowed COBRA benefits for their health insurance and they can elect to keep the insurance or waive the benefit as they will be covered by the guard's insurance during their activation.

DISCUSSION/POSSIBLE APPROVAL OF A POLICY CHANGE ON THE USE OF TABLES AND CHAIRS AT MILLARD COUNTY FACILITIES

The Commissioners discussed the pros and cons of changing the current policy on the use of county-owned tables and chairs. This is the second year of the policy where the county fees for chairs and tables used in non-county locations will be \$1.00 each and \$2.00 respectively. Only one non-profit organization has complained about the policy. Gary Walker said Delta has a new rental business that rents out tables and chairs. They started the business with the understanding the county had changed their policy and a reversal of the county's policy would affect their business. The Commissioners decided to leave the county policy as it is.

PUBLIC HEARING-POSSIBLE AMENDMENT OF MILLARD COUNTY GENERAL PLAN

This item was tabled.

POSSIBLE APPROVAL OF ADOPTION OF MILLARD COUNTY TRANSPORTATION PLAN AND OFFICIAL COUNTY MAP

This item was tabled.

POSSIBLE APPROVAL OF A NON-PLAT SUBDIVISION FOR KYLE AND MIKKI JENSEN

Gary Walker, Millard County Planner explained that this subdivision was held up in the building permit phase. A 1.8 acre parcel to be used for building a home was split off of a 144-acre parcel. The property was owned by Ken Skeem and the 1.8 acre parcel was sold to Kyle and Mikki Jensen. They are seeking the Commissioners' approval for a non-plat subdivision. Planning and Zoning has given their approval for the subdivision. The property fronts on 4500 South, the septic system has been approved, and they are in the process of transferring the water. Mr. Walker showed the Commissioners a copy of the property plat map. The property is in an agriculture zone.

Commissioner Walker made a motion to approve the non-plat subdivision for Kyle and Mikki Jensen and a certification and an affidavit will be signed by the Commission Chair and recorded Millard County Recorder's Office.

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

Gary Walker said he had been asked by the Planning and Zoning Board to write a letter to Mr. Skeem stating that the next time this situation comes up for him, they will not approve a subdivision without complying with the subdivision ordinance as this is not the first time this has happened.

POSSIBLE APPROVAL OF A NON-PLAT SUBDIVISION FOR MERL AND LORY THATCHER

Gary Walker, Millard County Planner said Merl and Lory Thatcher turned in an application for a non-plat subdivision of a 2.8 acre parcel. They want to divide the property into a one acre

parcel and a 1.8 acre parcel. The property is on farm ground but it is not in production. An individual wants to develop the one acre parcel and build a shop with a multi-use structure including a place for temporary occupancy. They are seeking approval prior to the parcel split. The property fronts 5000 West. They are in the process of securing the utilities, the water and the sewer. Planning and Zoning recommends the non-plat subdivision to be approved by the Commissioners.

Commissioner Walker made a motion to approve the non-plat subdivision for Merl and Lory Thatcher.

Commissioner Cooper SECONDED the motion. The voting was unanimous and the motion carried. Attorney Waddingham has the certification ready for the Commissioner Smith's signature.

POSSIBLE APPROVAL OF MILLARD COUNTY EQUAL EMPLOYEE OPPORTUNITY PLAN

Commissioner Cooper made a motion to adopt the Millard County Equal Employee Opportunity Plan contingent upon Attorney Waddingham's approval.

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

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

All three Commissioners, Auditor Grace and Attorney Waddingham attended a meeting with IHC on April 9, 2007 to discuss financial and operational concerns at the Millard County Long Term Care Center.

All three Commissioners attended a meeting with Graymont Western Inc. over their proposed expansion area. They discussed the changes that will be made on the roads going into the area. The Commissioners are in full support of the project.

Commissioner Cooper attended an Economic Summit AOG Conference in Richfield, Utah. The legislators that were present gave reports. An economic presentation was given by Jeff Thredgold who is one of the leading economic forecasters in the nation. Senator Bennett met with the group in a public lands meeting.

Commissioner Cooper, Auditor Grace, Assessor Talbot and Mark Johnson, State Tax Commission attended the Appeal to the State Tax Commission meeting that was held in Fillmore.

Commissioner Cooper attended a Days of the Old West Rodeo meeting. He reported he is pleased with the hard work the board has put in to try and defray some of the costs of the rodeo.

Commissioner Cooper attended the Economic Energy Summit of Utah. Participating in a telephone conference call on coal energy, technology and availability were several governors, Consol Coal Company and Peabody Coal Company. Also, discussed at the meeting were renewable energy sources such as wind generation. Commissioner Cooper said that a wind farm is being

created on the borders of Beaver and Millard Counties. They will be developing 15,000 acres in Beaver County and then will be developing 40,000 acres in Millard County. They want to meet with the counties for an informational meeting and later hold a public hearing. There is a frontier line study that goes through Wyoming and Utah onto Los Angeles. The cost is 4.3 billion dollars for the energy line. Better opportunities for energy development with vehicle transmissions are being created.

Commissioner Smith received a letter from the State Actions Resource Development Coordinating Committee stating that the Division of Wildlife Resources has requested that the Trust Lands Administration sell to them a parcel of property in a private sale. The land is located within the Clear Lake Wildlife Management Area in Millard County.

OTHER BUSINESS

Treasurer John Hansen said a property tax credit application has been received from Nathan and Stacy Coles. Included with the application was a letter that stated their financial situation. Treasurer Hansen said the Coles have been in this situation before and at that time the Commissioners granted them a 50 percent indigent abatement and they were to pay the balance. They did make one small payment and then discontinued the payments. At the time of refinancing, the Coles' mortgage company paid the back taxes along with the current taxes. No payments have been made since that time. The property taxes are now delinquent for the years 2003, 2004, 2005, 2006 and will go to tax sale next year.

Commissioner Walker made a motion to deny the request from Nathan and Stacy Coles for a property tax abatement.

Commissioner Cooper SECONDED the motion. The voting was unanimous and the motion carried. Treasurer Hansen will notify the Coles by letter about the Commissioners' decision and he will encourage them to start making payments to prevent it from going to next year's tax sale.

Commissioner Walker said there have been some discussion and concern over the definitions of a department head and a supervisor. She has not been able to find anything that addresses this issue in the county policy. Some possibilities suggested by Commissioner Walker were:

- Department Head --A person who has budgetary authority and could supervise a staff
- Supervisor--A person who supervises individuals/staff but does not control the budget
- Commissioners supervise the county departments that are not under an elected official
- Elected Officials do not have a department head within their office
- Need a list of the department heads and supervisors and who has authority to help during the hiring process
- Part time employees are not department heads even though they have a budget
- There is a job/salary survey currently being worked on and a decision should wait until the results of the survey are available.
- Reconsider the hiring policy under the direction of Attorney Waddingham.

Commissioner Walker said she had Sheryl Dekker e-mail each Commissioner a copy of a

simplified rough draft of the request for proposals for the Millard County Long Term Care Center. The Commissioners will review the draft before releasing the RFP.

Commissioner Cooper met with Fillmore City Mayor Christensen and LaVae Smith over the Sand Rock Ridge Road that goes up to Mr. Smith's subdivision. Commissioner Cooper let the mayor know that the county is not interested in paving the road but will continue to apply MagChloride on it. The county is willing to deed the road to Fillmore City when they are ready. When the road is ready to be vacated, the county will hold a public hearing that will be advertised for four weeks.

Commissioner Cooper spoke with Ray Stewart over his concern with a 40-acre parcel he owns along the Scenic Highway. The Jones home and property have been purchased by Wes Adams. Mr. Adams started to tear out Mr. Stewart's fence to put in a pivot. However, since the situation was reported to Commissioner Cooper, the problem has been resolved. Mr. Adams said he will not encroach on Mr. Stewart's property.

Attorney Waddingham asked if there is an agreement signed between the cattlemen and the BLM on their fencing project? Commissioner Smith said they had signed a maintenance agreement with the BLM on the Hwy 257 fencing project and the jail crew will be used to help build the fence.

Attorney Waddingham had been approached by Glade Edwards, who is a legal guardian for Steve Terrell, about a crime victim reparation and wanted funds from the county. Attorney Waddingham told him that this was a civil matter and the county can do nothing for him.

Commissioner Walker said that there are several private caterers that would like to rent the kitchen with a state permit in the Millard County Exhibit Building. She posed the question of whether the county would want to rent the kitchen facilities to the caterers? Some possible stipulations that might be implemented are:

- A fee schedule will need to be set up
- A \$200-\$500 deposit would be required
- \$30-\$50 for a four-hour time slot
- They would be trumped by any other event.

The issue will be discussed again at the next meeting.

PUBLIC INPUT

There was none.

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

Commissioner Walker made a motion to go into a closed executive session to discuss personnel issues.

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

Commissioner Walker made a motion to reconvene the regular Commission meeting.

Commissioner Cooper SECONDED the motion. The voting was unanimous and the motion carried. The regular meeting reconvened at 12:15 p.m..

Commissioner Walker made a motion to approve the payroll increases for two employees in the Sheriff's Office, two employees in the Building Department and one employee in the Road Department.

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

Commissioner Smith said the bill reimbursement for services in Juvenile Court by Kayla Jackson contracted by Attorney Richard Waddingham for \$130 an hour had been received for payment. The Commissioners had discussed with Attorney Waddingham about the need for a part time attorney and this was approved as part of his budget. The Commissioners wanted an attorney from the county to fill this position and Kayla Jackson who has six years experience and does work for Waddingham & Peterson was recommended. She is the only attorney in the county who is capable to serve in this position. The bill was approved for payment.

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 12:45 p.m..

Attest: _____

Approved: _____