

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 3rd DAY OF JULY 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: Alonzo R. Cahoon and Steve Frampton Citizens
Janet E. Lindquist and Garth White Millard County CERT
Nancy Schmid Millard County Care Center
Dean Draper Chronicle Progress Reporter
Brandy Grace Millard County Auditor

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 month of July 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 Cooper said he had attended the ceremony to designate Topaz as a National Historic Landmark. Topaz was one of the ten relocation camps for the internment of Japanese Americans during World War II. Most of the Topaz Camp residents were from northern California and lived at the camp between September 1942 and October 1945. A lot of the internees are now in their nineties. Governor Huntsman and several other dignitaries were present. Jane Beckwith and her committee were complimented for their efforts to see that the camp site was designated as a National Historic Landmark.

Commissioner Cooper said the invocation. Everyone stood and said the Pledge of Allegiance to the Flag.

FOLLOW UP ACTION ITEMS FROM MINUTES OF JUNE 19, 2007

There were none.

APPROVAL OF THE AMENDED MINUTES OF JUNE 19, 2007

Commissioner Walker made a motion to approve the amended minutes of June 19, 2007. Commissioner Cooper SECONDED. The voting was unanimous and the motion carried.

AUDITORS REPORT

Auditor Brandy Grace gave the Commissioners various invoices to review and give approval for payment through the Auditor's Office.

Auditor Grace gave the Commissioners the Check Edit Report of June 22 and June 29, 2007 to review and sign. A copy of the payroll report of June 22 was given to each Commissioner.

Auditor Grace said that a purchasing card and cell phone have been requested for Jolene Johnson, USU Extension Family Consumer Services Agent. The Commissioners authorized Auditor Grace to get a purchasing card not to exceed \$1,500 and a cell phone for Jolene Johnson.

Auditor Grace said that Millard County and Public Employees Health Plan Insurance Company, ("PEHP") had agreed on insurance rates for 2007 but they would like a contract signed. Commissioner Walker made a motion to sign the contract with PEHP Insurance Company. Commissioner Cooper SECONDED the motion. The voting was unanimous and the motion carried.

Auditor Grace received the May 2007 invoice from Intermountain Health Care ("IHC") for long term care. The amount for the swing beds at the Fillmore Hospital was \$9,184.90 and the amount for the Millard Care Center was \$56,341.66. The budget will be over by that amount if the invoice is paid.

Commissioner Walker made a motion to pay the IHC invoice based on the current contract Millard County has with IHC.

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

At the request of Auditor Grace, 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 approve the payroll changes for temporary employees for the ATV Jamboree.

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

SCOTT DAMRON-REPORT ON DAYS OF THE OLD WEST RODEO

Mr. Damron was not present.

GARTH WHITE-INVITATION TO THE MILLARD COUNTY COMMUNITY EMERGENCY RESPONSE TEAM (“CERT”) MOCK DISASTER TRAINING

Garth White and Janet Lindquist announced that Millard County CERT will be having a mock disaster training on Saturday, July 14, 2007 using the scenario of a 7.0 Earthquake in Delta, Utah. Eleven Millard County CERT Teams will be responding to the Millard County Fairgrounds to test the teams’ ability to set up, attend to victims and check the speed and efficiency in which they do it. There will be three rotations during the day to test three areas of the Search and Rescue Teams, the Medical Treatment Area Teams and the Logistics Teams. The Commissioners were invited to attend the barbeque and debriefings at 4:00 p.m.. The Commissioners were informed that Janet Lindquist had recently been made the Chairman of the Utah CERT Advisory Board.

ALONZO CAHOON-DISCUSSION ON TIRE PURCHASES BY MILLARD COUNTY ROAD DEPARTMENT AND INSPECTIONS AND ZONING REQUIREMENTS FOR BUSINESS LICENSES

Alonzo Cahoon, A&R Tires in Delta came before the Commissioners to discuss his concerns about the county road department tire purchases. He has researched the road department’s past purchasing records and found that a business from Utah County, namely Quality Tires had received most of the tire business for Millard County. Some of the tires the road department purchased from them were not on the state bid price list and the county could have saved money if they had purchased the same tires from A&R Tires or Steve’s Tires. Some of Mr. Cahoon’s comments are as follows:

- Last year, Quality Tires sold more tires to the county road department than did Steve’s Tires who had been awarded the county road tire bid. Fifty-two thousand dollars, (\$52,000) went to Provo that could have stayed in Millard County. Quality Tires further cut into Millard County’s economy by delivering tires to other businesses along their way to the road barn. Quality Tires says they pay \$80 for a casing but 50 percent of the casings are rejected. There seems to be no one doing a check and balance.
- It is a long process and takes a lot of paperwork to work up a tire bid for the county.
- In all fairness, the tire money should stay in the county. Both A&R Tires and Steve’s Tires are doing business in the county, help with the tax base and have hired several employees.
- This year the county road department decided not to award a tire bid but they would take phone bids for the tires as they are needed. Under current policy, purchases under \$25,000 can be purchased by taking phone bids. Most of the tires this year have been purchased from Quality Tires.

- A&R Tires didn't get a call for a phone bid on the last county road tire purchase.
- The state bid pricing was set up for counties (and other entities) to buy their tires and have someone else service them. In our area the school bus garage and county road department do their own tire work. Mr. Cahoon takes issue with the fact that the school district and county road department do not have qualified tire technicians. They are getting the state bid tire price and not paying to have the service done.
- If Utah County receives an out of county tire bid that is not within 10 percent of someone in Utah County, it is not considered. Their money stays in their county. They do impose a time limit on out of county suppliers.
- State bid tire prices are set by the tire manufacturing companies.

Commissioner Cooper said that the message that should be sent to Thayne Henrie at the road department is that you will purchase your tires in the county unless there is a disparity of 10 percent or more in the purchase price.

Commissioner Cooper thinks that the tire business should be given to those entities that pay county taxes and he is sympathetic to the local businesses. If there is a big difference between what the out of county suppliers and in county businesses can provide, the Commissioners want to know about it.

Mr. Cahoon commented that if there was a way the county can fix the purchasing policy in all areas then to do it to show the citizens that the county believes in our people first. If there are any problems then let's fix them.

Commissioner Smith said they tried to address that issue in the county's current policy by going with the best value for the county. However, it does not identify a percentage difference allowed between the bids and maybe it should. A&R Tires should have been called on that last bid and it was a mistake not to have done so. The road department has had some concerns in the past about the availability of tires and it may be a good thing to specify a time frame like 10 to 15 days that the tire products should be available locally before going up north. Thayne Henrie has been satisfied with the service he has been getting from Quality Tires. Maybe everyone should sit down and discuss what the road department and the tire shops concerns are and see if things could be worked out. Mr. Cahoon said he has a lot of respect for Mr. Henrie and said that Wayne at Quality Tires is a good salesman.

Mr. Cahoon asked that the tire shops be given a chance for the county's tire business and service. The tire shops can work faster and safer than the departments can on their own. The road department shouldn't be doing tires and maintenance when they should be out fixing the roads. On the Wasatch front, the departments do not have their own tire and service shops and the work goes to the professionals. But in Millard County, the road department and the school district have their own service shops and do their own work. In the past you couldn't get the service that you needed locally, but it is now available.

Steve Frampton, Steve's Tires said the whole idea of the state bid is to eliminate the need for businesses to have make calls and bids over and over. There were more tires purchased by the road department that were not on the tire bid. The statement that was made earlier that service and

tires are not always available from the local businesses was offensive to him. He said to tell him just once when they couldn't get the product.

Commissioner Walker said she is a strong supporter of buying locally, if at all possible, even if it is 10 percent more. She asked whether mandatory tire purchasing in the county would solve the problem or whether there would be other variables? She asked whether a 15 to 20 day window for pickup and delivery would be a fair guideline?

Commissioner Cooper made a motion to institute a policy with the road department to purchase tires within the county and to utilize the state bid through the local businesses. A 10 percent leeway would be established between in county and out of county bids.

Commissioner Smith called for a second on the motion. The motion died for lack of a second.

Commissioner Walker suggested that an amendment be made to the current purchasing policy stating that products should be purchased locally when there is not more than a 10 percent disparity between the bids. If the product or service cannot be ready within a fifteen-day time frame then the department can look outside the county for the produce or service. We can encourage Thayne Henrie to purchase tires locally and use the state tire bid. Consideration will be given to changing the county purchasing policy after the issue is discussed again at next Commission meeting.

Mr. Cahoon expressed a second concern to the Commissioners which he called a fair business practice. He said there are people in the county building garages next to their homes, obtaining a business license and doing business out of their garages. There are no regulations on these types of businesses and they are competing with legal legitimate repair shops that are regulated. The safety perimeters should be followed by everybody. The businesses are located in a residential or an agricultural area and they are competing with people running businesses in commercial zones and paying more taxes on their property. Working on farm equipment out of a shop falls under a different set of rules. He had talked with the past County Planner and Building Inspector and the Fire Marshal who were not even aware of where the businesses were located. These things are making it harder for legal businesses to make a profit. He asked for assistance in getting this issue resolved and to have someone do some regulation on the shop businesses. The rules are there for everybody and to protect everybody.

POSSIBLE EXECUTION OF A MEMORANDUM OF UNDERSTANDING (“MOU”) BETWEEN MILLARD COUNTY AND MILLARD COUNTY SCHOOL DISTRICT ON JOINT USE OF FACILITIES

Attorney Waddingham said that the Memorandum of Understanding is basically the same as it has been in the past except the phrase “*on Monday night the Millard County Recreation Department will be responsible to open and close the facilities*” has been added.

Commissioner Walker made a motion to execute the Memorandum of Understanding between Millard County and Millard County School District on Joint Use of Facilities.

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

REVIEW AND POSSIBLE APPROVAL OF A RESOLUTION TO SET A FEE FOR THE OFF ROAD VEHICLE COURSE WITH MILLARD COUNTY FAIRGROUNDS

Attorney Richard Waddingham said that activities such as the use of the off road vehicle course generally allows immunity for the land owners if there are no fees charged. Once a fee is charged, the immunity is lost. The county will need to see that the group using the property has adequate insurance naming Millard County as an additional insured.

Commissioner Walker made a motion to propose that the rental fee be set up at \$200 @ day for an event, a rental fee agreement filled out and proof of insurance provided to the county.

Commissioner Cooper SECONDED the motion. The voting was unanimous and the motion carried. Attorney Waddingham will write up a resolution to be reviewed at the next Commission meeting.

POSSIBLE SELECTION OF A PROVIDER FOR MILLARD COUNTY CARE CENTER

The process of handling the proposal for the Millard County Care Center will be to:

- Review the proposal by Traditions Health Care
- Select the provider
- Enter into negotiations and write up a contract if an agreement is made
- Cancel the contract with IHC
- If an agreement is not made then the whole process will start over.

Commissioner Walker made a motion to select Traditional Health Care as the provider for the Millard County Care Center.

Commissioner Cooper SECONDED the motion. The voting was unanimous and the motion carried. A copy of the proposal was given to Nancy Schmid, Millard County Care Center Administrator.

POSSIBLE DECISION ON POLLING LOCATIONS FOR THE NOVEMBER 6, 2007 GENERAL ELECTION

Millard County Clerk Norma Brunson suggested that for the upcoming General Election on November 6, 2007 the Commissioners authorize the Clerk to have all the unincorporated areas of the county with less than 500 voters, vote by absentee ballots. The unincorporated areas will only have the School Voucher issue on the ballot and the citizens will be better served by this method of voting. The incorporated cities and towns will be paying part of the expense of the election.

Commissioner Walker made a motion to accept the Clerk's recommendation for the November 6, 2007 General Election to have the unincorporated areas of less than 500 voters vote by absentee ballots. This will save the county money because this is an unexpected election that the county had not budgeted for.

Commissioner Cooper said that this is appropriate action and SECONDED the motion. The voting was unanimous and the motion carried.

Commissioner Walker made a motion to break for lunch and to reconvene at 1:30 p.m..

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

LUNCH BREAK

The meeting reconvened at 1:45 p.m.

POSSIBLE APPOINTMENT OF A TRUSTEE TO MILLARD COUNTY DRAINAGE DISTRICT NUMBER 4

This item was tabled until further notice.

RATIFY THE DECISION ON GRANTING A CONDITIONAL USE PERMIT FOR A LEVEL 4 ANIMAL FEEDING OPERATION ON PROPERTY LOCATED AT APPROXIMATELY 6750 NORTH 2840 WEST, DELTA, UTAH AND MORE PARTICULARLY DESCRIBED AS FOLLOWS: Description: Parcel 1: The North half of the Southwest quarter of Section 3, Township 16 South, Range 7 West, SLB&M. Parcel 2: The South half of the Southwest quarter of Section 3, Township 16 South, Range 7 West, SLB&M. Less beginning at the Southwest corner of said Section 3, thence North 00°51'54" West 146.2 feet along the West boundary of Section 3; thence North 89°21'49" East 600 feet; thence South 00°51'54" East 146.2 feet to the South boundary of Section 3; thence South 89°21'49" West 600 feet along the South boundary of Section 3 to the point of beginning. Parcel 3: The North half of the Northwest quarter of Section 10, Township 16 South, Range 7 West, SLB&M. Less and excepting from Parcel 3: Beginning at the Northwest corner of said Section 10; thence North 89°21'49" West 600 feet along the North boundary of Section 10; thence South 00°51'54" East 173.8 feet along thence South 89°21'49" West 600 feet to th West boundary of Section 10; thence North 00°51'54" West 173.8 feet along the West boundary of Section 10 the point of beginning. Parcel 4: The Southeast quarter of the Northwest quarter of Section 10, Township 16 South, Range 7 West, SLB&M. Parcel 5: The Southwest quarter of the Northwest quarter of Section 10, Township 16 South, Range 7 West, SLB&M. Less the South half of the South half of the Southwest quarter of the Northwest quarter of said Section 10. Less beginning at the Northwest corner of the South half of the South half of the Southwest quarter of the Northwest quarter of said Section 10; thence North 40 feet; thence East 1170 feet; thence South 40 feet; thence West 1170 feet to the point of beginning. Owner: Crossroads Farms

Commissioner Walker made a motion to ratify the approval of a Conditional Use Permit for a Level 4 Animal Feeding Operation for Crossroad Farms.

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

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

Commissioner Cooper attended the ATV Jamboree opening ceremony. He reported that

there were more attendees at the Jamboree than last year. He also attended the car show in Fillmore last week.

Commissioner Cooper attended the ceremony designating Topaz as a National Historic Landmark.

Serving in the capacity as Chairman of the Association of Governments, Commissioner Cooper attended the meeting with Wayne County Grazers and Trust Lands Administration over the grazing of bison on the Henrie Mountains.

Commissioner Cooper and Boyd Clayton attended a meeting in Trout Creek to discuss the BARCASS Study Report on the water deposits.

Commissioner Smith attended a Mental Health Authority Board meeting in Juab County. On Monday, June 18, he met with Jane Johnson, the team leader for Mental Health Services in Millard County and Juab County. Commissioner Smith said he appreciates the work that she does in this capacity.

Commissioner Walker conducted mock interviews with the Miss Millard contestants to help them prepare for the Miss Millard Pageant on Saturday, August 4. She also reviewed plans for the Millard County Fair with Director Betty Western. One of the events will be professional bull riding.

Commissioner Walker talked to Lisa Reid, BLM public relations, about the wild horse gathering at Swasey Mountain to be held on July 9-13.

Commissioner Walker and Commissioner Smith reported that they had talked to Bryce Pillings at Sportsmen for Fish and Wildlife, who said they are opposed at the AOG's letter written by Commissioner Cooper, Chairman of the AOG, supporting limiting the bison on the Henrie Mountains.

Commissioner Smith said that the Sportsmen for Fish and Wildlife are doing some projects on the mountain. There appears to be a need to work with the landowners because the landowners have some real issues. Commissioner Cooper said the problem is a management issue and the bison are imposing on private winter range. The bison should be kept higher and out of their range. Plans have been made to raise the year round AUM for the bison. This is the only free roaming herd of bison (approximately 550) in the country. The Division of Wildlife Resources, Sportsmen for Fish and Wildlife and the Bureau of Land Management should be encouraged to work with the landowners.

OTHER BUSINESS

Clerk Norma Brunson said a few weeks ago she had approached the Commissioners with a proposal to have an outside door installed for the jury room for security reasons. She and Sheriff Dekker would also like to see if it would be possible to extend the project to include a locked gated

area for the Judge to enter and exit the building. The estimated cost of the project will be figured and reported to the Commissioners.

Commissioner Cooper said that Jim Stevens has been running the 4-H livestock program in Millard County part time since his retirement. Utah State University (“USU”) and Millard County have a contract to share his salary. Yesterday his contract expired with USU and if Millard County wants him to continue with the county 4-H livestock program, they will need to finance all of his salary until the end of September 30, 2007.

Commissioner Cooper made a motion to retain Jim Stevens as a part time USU Extension employee to enable him to continue as the livestock specialist in Millard County. Millard County will pay his full salary until the end of September 2007. USU should be contacted again next year to seek continued help with Mr. Stevens’ salary.

Commissioner Walker SECONDED the motion. The voting was unanimous and the motion carried. The budget will have to be worked out for his salary and a contract will be drawn up by Attorney Waddingham.

Commissioner Walker made a motion to sign the State of Utah Contract Amendment to continue Officer Jim White as the brand inspector.

Commissioner Cooper SECONDED the motion. The voting was unanimous and the motion carried. A copy will be on file in the Clerk’s Office.

Attorney Waddingham said he has enough in his budget to use a part time attorney to serve in the East Millard Justice Court in an effort to allow Deputy Attorney Pat Finlinson to focus exclusively on District Court cases.

Commissioners Cooper and Smith will be out of state on Tuesday, July 17 the date of the regularly scheduled Commission meeting. The meeting was rescheduled for Wednesday, July 18. Deputy Clerk Janice Robins will put a notice in the newspaper.

Commissioner Walker spoke to Bryan Erickson at Traditions Health Care and they would like to set some dates between July 27 and July 31 to begin negotiations on their proposal on the Millard County Care Center.

PUBLIC INPUT

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 2:45 p.m..

Attest: _____

Approved: _____