

MINUTES OF BOARD OF COUNTY COMMISSIONERS  
MILLARD COUNTY THE 30th DAY OF OCTOBER 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: John Mitchell, Maria Anderson and John L. Mitchell. . . . . Citizens  
Deb Arnold, Tony Pedersen and Gary Walker. . . . . Wellness Committee  
Mayor David Christensen . . . . . Fillmore City  
Ron Hare . . . . . Justice Court Judge  
Susan Duncan. . . . . Chief Deputy Assessor  
Robert Dekker. . . . . Millard County Sheriff  
John Hansen. . . . . Millard County Treasurer  
Richard Beckstrand . . . . . Computer/GIS Department  
Connie Hansen . . . . . Millard County Recorder

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:

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 said the opening prayer. Everyone stood and said the Pledge of Allegiance to the Flag.

Commissioner Cooper presented a plaque to John Mitchell that stated: "Millard County Proudly Honors John Mitchell With the Trail Blazer Award in Recognition of a Lifetime of Unequaled Service as a Guardian and Caretaker of our Public Lands in Behalf of the Citizens of Millard County. Presented in Appreciation by the Millard County Commission - October 30, 2007." Commissioner Cooper said that John Mitchell has given a service to Millard County. His work ethic spans over a 50 year period. A picture was taken of Mr. Mitchell, his son John Mitchell and his daughter Maria Anderson. The Forest Service had recently presented Mr. Mitchell with a similar

award for his outstanding public service.

#### FOLLOW UP ACTION ITEMS FROM MINUTES OF OCTOBER 16, 2007

There were none.

#### APPROVAL OF THE AMENDED MINUTES OF OCTOBER 16, 2007

Commissioner Walker made a motion to approve the amended minutes of October 16, 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.

Auditor Grace gave the Commissioners the Payroll Report of October 26, 2007 to review.

Auditor Grace reported that an invoice from Randy Johnson for \$1,000 has been received for his work on the public land section of the general plan.

The September billing from Intermountain Health Care was received. The patient bed amount is \$11,125.86 and the Millard County Care Center amount is \$52,240.93.

Millard County has received notification from the state that Millard County has been put on noncompliance because the 2006 Audit due June 30, 2007 had not been filed. The Independent Auditors said they are waiting for information from Millard County Special Service District Number 8 before they can file the audit. Special District Number 8 will be notified again that they are holding up the filing of the audit.

Treasurer John Hansen reported that Utah Counties Insurance Pool, ("UCIP") had sent a request for nominations for a representative and an alternate representative for the annual membership meeting. A document will be prepared and put on the next Commission agenda.

Treasurer Hansen said the process to handle abatements is done a little different in the new software program and asked for approval to continue to process property tax abatements through the Auditor's Office as the county has done in the past.

Commissioner Cooper made a motion to authorize the Treasurer to make adjustments to the property tax assessments as they have been done in the past. The Treasurer will continue to handle property tax abatements and will periodically bring reports to the Commissioners.

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

Treasurer Hansen has encouraged the independent auditors to check all the employees in the courthouse and all the elected officials tax notices for correctness.

The problems with the new software has delayed the mailing of the property tax notices until today. There are 120 tax notices that were rejected by the system and they will be taken care of as soon as possible.

The Millard County Drainage District Committee, Treasurer, Auditor, County Attorney and Commissioners need to meet and discuss the taxability changes of the drainage districts as it will now be taxed like the special districts are taxed.

#### RATIFY THE APPROVAL OF THE COURT SECURITY AND BAILIFF SERVICES CONTRACT

Commissioner Walker made a motion to ratify the approval of the Court Security and Bailiff Services Contract with the State of Utah.

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

#### REVIEW AND POSSIBLE APPROVAL OF A CONTRACT WITH CENTRAL UTAH PUBLIC HEALTH DEPARTMENT

Commissioner Cooper made a motion to approve the 2008 payment with the Central Utah Public Health Department for services at \$5.45@ per capita in Millard County based on the county's population of 13,121 which amounts to \$ 71,509.45.

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

#### REVIEW AND POSSIBLE APPROVAL OF INTERLOCAL AGREEMENTS WITH THE MUNICIPALITIES IN MILLARD COUNTY FOR ELECTION REIMBURSEMENT

Commissioner Cooper made a motion to approve the interlocal agreements with the municipalities in Millard County for election reimbursement.

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

#### DEB ARNOLD-WELLNESS COMMITTEE PRESENTATION

Deb Arnold, Chairperson of the Millard County Wellness Committee gave a presentation to the Commissioners reporting the activities of the committee. Its motto is: "Promote and encourage healthier lifestyles for Millard County employees and their families." Its mission statement is: "Promote wellness in Millard County by encouraging healthier lifestyles, providing education and wellness programs, recognizing employees for participating in activities and developing a positive

environment that is focused on celebrating and improving the quality of life for all employees and their families.” They will be planning different activities and incentive programs to encourage employees and their families to participate in gaining a healthier lifestyle. Healthy Utah is part of the program. The money for the incentive programs and activities will come out of the rebate from Utah Counties Insurance Pool to the county. In order for the programs to be successful, they would like all interested employees to participate and they solicit the support of the county commissioners.

Gary Walker and Tony Pedersen suggested that many entities allow their employees to use exercise facilities free and perhaps free golf and swim passes could be issued. These incentives would be a good way to keep people fit, attract people to hire on with the county and encourage them to stay. They asked to use one of the rooms at the outdoor arena in Fillmore as an exercise room. They will watch for opportunities to acquire equipment for the room.

Because the goals and programs of the Wellness Committee is different in purpose from the Employee’s Relations Committee many of the county employees are concerned that there is no where to go to discuss concerns about insurance or grievances. Also a concern is that not all offices are represented on the new committee and may not get the word on programs in a timely fashion. Members from the Employee’ Relations Committee have expressed concerns that they had not been notified of their replacement nor thanked for their services.

#### ANNOUNCEMENT OF THE CUSTODIAL BIDS FOR THE MILLARD COUNTY PUBLIC SAFETY COMPLEX, THE MILLARD COUNTY COURTHOUSE, AND THE PUBLIC RESTROOMS AT THE RECREATION FACILITIES IN FILLMORE

Commissioner Cooper made a motion to accept the bids from the following people for custodial bids at the following locations:

Millard County Public Safety Complex-Vance Beckstead @ \$1,575.00 a month

Millard County Courthouse-Valerie Shepherd @ \$850 month

Public Restrooms at the Recreation Facilities in Fillmore-Tamera Lane @ \$250.00.

He also said that a list of the names of sub contractors to be used will need to be approved by the Commissioners and have a background check done by the Sheriff’s Office prior to start working.

Commissioner Walker SECONDED the motion. The voting was unanimous and the motion carried. Gary Hone will meet with each new employee and tell them their duties. The employees will start on December 1, 2007.

#### REVIEW AND POSSIBLE APPROVAL OF TOURISM FUNDING FOR THE PAHVANT VALLEY HERITAGE TRAIL PROJECT

The Commissioners reviewed and discussed tourism funding for the Pahvant Valley Heritage Trail Project in the amount of \$17,625.00 which will come out of the 2008 budget. This is a joint effort by the Bureau of Land Management and previously approved in 2006.

Commissioner Walker made a motion to approve tourism funding for the Pahvant Valley Heritage Trail Project.

After discussing the agreement in more detail, Commissioner Cooper said it should be more of an equal partnership with the BLM than is listed. Commissioner Walker rescinded her motion.

POSSIBLE APPOINTMENT OF DOUG WESTERN TO THE HINCKLEY DESERET CEMETERY BOARD

Commissioner Walker made a motion to appoint Doug Western to serve on the Hinckley Deseret Cemetery Board.

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

POSSIBLE APPOINTMENT OF JOYCE SPENCER TO THE MILLARD COUNTY HOUSING AUTHORITY BOARD

Commissioner Walker made a motion to appoint Joyce Spencer to the Millard County Housing Authority Board based on the recommendation of the existing board.

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

POSSIBLE APPOINTMENT FOR STACIE SENTKER TO THE MILLARD COUNTY ECONOMIC DEVELOPMENT BOARD

Commissioner Walker made a motion to appoint Stacie Sentker to the Millard County Economic Development Board.

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

SET DATE FOR PUBLIC HEARING IN REGARDS TO UPCOMING VACANCIES OF TRUSTEES IN MILLARD COUNTY DRAINAGE DISTRICTS NUMBERS 1-4

Commissioner Cooper made a motion to set the date of December 18 at 11:00 a.m. for a public hearing to fill vacancies of Trustees for Millard County Drainage Districts No. 1-4.

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

POSSIBLE ADOPTION OF 2008 TENTATIVE BUDGET

Auditor Grace briefly explained the 2008 tentative budget. This report is based upon the requests from each department and does not show any funding from fund balances or transfers from other funds. The general fund of \$15,396,880 does not include the transfer to the road department. The amount to be transferred would be \$1,002,680 reflecting the amount to make the road department fully funded. The general fund would then have a shortfall of \$2,145,740. The capital projects budget request total is \$374,000 together with some interest revenue for capital projects. The tentative budget reflects a shortfall of \$354,000 in the general fund. A brief discussion ensued. A printed report will be available for public review in the Auditor's Office and in the county office in Delta by this afternoon. The Commissioners are meeting with the elected officials this afternoon

to discuss the proposed budget and look at everything they can to cut expenses to avoid spending any more reserve funds than possible.

Commissioner Cooper made a motion to adopt the 2008 tentative budget.

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

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

Clerk Norma Brunson said the election process is going quite well. The unincorporated areas are receiving their ballots by mail. The voting by mail method may work well for the Garrison area in the future to avoid the long waits for the election results after the polls are closed.

Commissioner Cooper attended the public lands' policy meeting in Salt Lake City. Commissioner Cooper and UAC Attorney Mark Ward gave a presentation concerning late grazing of Bureau of Land Management land to avoid fire hazards.

Commissioner Cooper talked with Chris Saunders about a proposal to have the USU Agricultural Agents in Beaver County and Juab County cover Millard County's program until Millard County can hire a new agent.

Commissioner Walker said all the Commissioners, Sheriff Dekker, representatives from the NRCS, Brad Staheli from Senator Bennett's Office and the Oak City Town Council met on October 17, 2007 to discuss potential solutions to the town's flooding problems. There may be funding available to create a water shed management program with Millard County as the sponsor.

On October 19, 2007, Commissioner Walker met with the ME Bird Senior Center Board regarding a grant for heating and air conditioning for the building.

Commissioner Walker attended the Cow Cutters Association event at the Millard County Fairgrounds.

On October 22, 2007, Commissioner Walker participated in the interviews for the Delta Area Chamber and Tourism position. Lori Skeem was selected out of the nine applicants.

On October 23, 2007, the Commissioners convened as the Board of Equalization. Afterwards, they met with newly retired IPA General Manager, Reed Searle who introduced James Hewlett, who was recently appointed to the general manager position. They discussed the future of coal-fired power plants.

On October 24, 2007, the Commissioners held a public hearing at the county offices in Delta, concerning the Millard County Care Center. The majority of the people in attendance were care center employees, their families or family members of care center residents. They voiced concerns about maintaining the quality of care to the patients and the loss of Intermountain Health Care

benefits to employees if Intermountain Health Care were replaced by another provider. A second public hearing was held on October 25, 2007 in Fillmore. Comments were made to reduce the costs used for road maintenance and recreational costs and apply the money for long term care expenses. The Commissioners will announce their decision about a provider for the Millard County Care Center on November 20, 2007 at Commission meeting.

Commissioner Smith attended the Central Utah Mental Health Authority meeting in Richfield, Utah on October 24, 2007. Items of discussion were zoning issues on youth homes. Sevier County presented an ordinance that they had adopted in 1965 requiring youth homes to have a Conditional Use Permit. A copy of the ordinance was given to Attorney Waddingham to review.

Another issue discussed was the fact that Central Utah Counseling Center is no longer able to pay the spend down to make their patients eligible for medicaid and this makes certain citizens now ineligible for services. The program is affected by the federal government which is cutting these types of services.

Attorney Richard Waddingham asked about the county's position on the State Tax Commission's decision for a change in the taxing regulation precipitated by UPC Wind. The Commissioners agreed to send a letter to the State Tax Commission telling them that Millard County is not in agreement with its decision on Rule 62 and that the decision should be made by the legislature rather than the tax commission. A copy of the letter will be sent to Lieutenant Governor Herbert.

#### OTHER BUSINESS

Sheriff Robert Dekker came before the Commissioners for authorization to hire two full time Emergency Medical Technicians for Millard County. The EMS system is administered by the Millard County Sheriff's Office and funded by Millard County. The program is desperately in need of more help, especially in the Fillmore area.

Commissioner Walker made a motion to approve releasing the job description for two full time Emergency Medical Technicians positions. One position is for the manager and the other position is the assistant manager to work wherever they are needed within the county. The money will be funded out of the ambulance enterprise fund and will need to be put in the 2008 budget.

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

#### PUBLIC INPUT

There was no public input.

#### 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 the character, professional competence or physical or mental health of an individual.

Commissioner Cooper SECONDED the motion. The voting was unanimous and the motion carried. The closed executive meeting began at 11:45 and ended at 12:05.

Commissioner Cooper made a motion to approve the payroll increases for the West Millard Swimming Pool, the Maintenance Department and the Recorder's Office.

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

Attorney Richard Waddingham announced that UCIP, the county's insurance carrier has suggested that Millard County hire an attorney to handle depositions this Friday in Delta for pending litigation for which that the county has not yet been named as a party, but have had witnesses called for deposition. The attorney's rate is \$140.00 an hour.

Commissioner Walker made the motion to hire the attorney at a rate of \$140.00 an hour as suggested by UCIP to handle the pending litigation on Friday in Delta.

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

#### POSSIBLE APPROVAL OF A BUSINESS LICENSE FOR ASHTON FARMS CUSTOM MEATS-OWNER NEIL ASHTON

The Commissioners reviewed the application from Ashton Farms Custom Meats.

Commissioner Cooper made a motion to sign the business license for Ashton Farms custom Meats provided the proper signatures are acquired.

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

Commissioner Walker made a motion to adjourn the meeting for lunch.

Commissioner Cooper SECONDED the motion. The meeting adjourned at 12:10 p.m..

#### MEETING WITH ELECTED OFFICIALS REGARDING THE 2007 BUDGET

Commissioner Walker made a motion that the meeting be reconvened.

Commissioner Cooper SECONDED the motion and the voting was unanimous. The meeting reconvened at 1:30 p.m.

Commissioner Smith said there has been some confusion on the part of employees and elected officials about the newly formed wellness committee.

- He explained the purpose of the Millard County Wellness Committee, how they were appointed and that they do replace the Employee's Relationship Committee. The committee's purpose is to promote the well being of employees. The committee will meet every other month and the members will serve for a two-year period. The program incentives will be paid for out of the rebate the county will receive from UCIP. He asked the elected officials for their support of the new committee and to encourage employees



to take advantage of the programs.

Ron Hare suggested that the people who had been serving on the Employees Relations Committee should be formally thanked for their service. Many people did not even know they had been replaced.

- Commissioner Smith said the preliminary report of the job surveys that was done by the county is in. The county chose an above average range of counties to use as a comparison. The job descriptions will be reviewed by the elected officials. An example of a step and grade system has been given to the Commissioners to review and adjusted to the county's needs. A job title will be determined with a grade system and a step system for that position will be added. There should be a county wide system set up after that process. A copy of the report should be ready to be e-mailed to the elected officials in one month.  
There will be no decisions made until all the final reports have been reviewed.
- Commissioner Smith reported that the 2008 tentative budget was adopted today. Auditor Grace had entered in the requested amount from each elected official. The total will be compared to the projected revenue. Right now the projected revenue is two million dollars short of the requested amount. A copy of the tentative budget will be available today in the Auditor's Office. He asked that everyone should try and trim their budget where they can, realizing that many expenses are mandated by the law. Employees will be asked to pay ten percent of their health insurance this year and will receive a 2.5 percent COLA. The county will use one million dollars of the reserves in 2007. If this continues then the reserves may last 9-10 year. If two million dollars is used then it will only last half that time.
- A decision will be made on the provider for the Millard County Care Center on November 20, 2007.

Commissioner Cooper made a motion to go into a second closed session to discuss the character, professional competence or physical or mental health of an individual.

Commissioner Walker SECONDED the motion. The voting was unanimous and the motion carried. The session began at 2:25 p.m. and ended at 2:40 p.m..

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 4:05 p.m..

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

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