

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 18th DAY OF MARCH 2008
AT THE COURTHOUSE, FILLMORE, UTAH

PRESENT: John C. Cooper Chairman
Kathy Y. Walker. Commissioner
Daron P. Smith. Commissioner

Richard Waddingham County Attorney
Janice Robins. Deputy County Clerk

ALSO PRESENT: John & Marilou Heath. Citizens
Rob Greenburg Hill Brothers Chemical
Sharee Hall Dustbuster Inc.
Braxton McCoy. Return 2 Work
Dean Draper. Chronicle Progress
Bonnie Gehre. Millard County Chief Deputy Auditor
John L. Hansen. Millard County Treasurer

EXCUSED: Millard County Clerk Norma Brunson
Millard County Auditor Brandy Grace

PURSUANT TO AN AGENDA WHICH HERETOFORE HAD BEEN PROVIDED TO each member of the governing body, the local news media and posted in three public places or on the Millard County website, as required by law, the following proceedings were had:

COORDINATION SESSION

The Commissioners scheduled events for the months of March and April 2008.

PUBLIC WAS WELCOMED

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

OPENING STATEMENTS

Commissioner Smith read a quote from Ben Franklin. Commissioner Cooper said the invocation. Everyone stood and said the Pledge of Allegiance to the Flag.

FOLLOW UP ACTION ITEMS FROM MINUTES OF MARCH 11, 2008

There were none.

APPROVAL OF MARCH 11, 2008 COMMISSION MINUTES

The approval of the minutes was tabled until the next meeting.

AUDITORS REPORT

Chief Deputy Auditor Bonnie Gehre gave the Commissioners various invoices to review and approve for payment through the Auditor's Office.

Chief Deputy Auditor Gehre gave the Commissioners the Check Edit Report of March 17, 2008 and the Payroll Report of March 14, 2008 to review and sign.

The Agreement between the Arthritis Foundation and Millard County was tabled for review.

Chief Deputy Auditor Gehre said that the check for \$9,878.00 made out to IHC for the swing beds at the Fillmore Hospital was pulled before mailing because a second billing came in showing a zero balance.

Commissioner Smith made a motion to void the \$9,878.00 check to IHC for the swing beds in Fillmore.

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

BRAXTON MCCOY-RIGHT 2 WORK, INC. ("R2W") REPORT

Braxton McCoy was asked by Commissioner Cooper to report on his experiences as a soldier in Iraq on the day he was injured. He then reported for R2W, whose mission is BACK TO WORK, BACK TO LIFE. The organization was founded by Rob Brazell who said, "Work is the best form of rehabilitation I know." R2W provides vocational rehabilitation services to newly enabled Americans, including injured soldiers returning from Iraq, Afghanistan and elsewhere around the world. R2W's services include:

- Evaluation
- Training
- Placement
- Supported Employment
- Service Learning
- Home Buyer Education
- Credit Education

The Commissioners would like R2W to consider it as a potential employer.

POSSIBLE APPROVAL OF THE AGREEMENT BETWEEN MILLARD COUNTY AND UTAH STATE UNIVERSITY ("USU") EXTENSION

Attorney Waddingham requested a clarification on whether or not the USU Extension

employees hired by Millard County were covered by the County's liability insurance.

The Commissioners so affirmed.

Commissioner Walker made a motion to approve the agreement between Millard County and USU Extension.

Commissioner Smith SECONDED the motion. The voting was unanimous and the motion carried. The documents were given to Jolene Johnson to mail to USU for signing. A copy will be given to the Clerk's Office when it is mailed back. Miss Johnson was told to avoid paying overtime to part time employees.

POSSIBLE APPROVAL OF PAYMENT OF INVOICE FOR MILLARD COUNTY CARE AND REHABILITATION, INC. ("MCC&R")

Commissioner Walker said that she had met with the MCC&R Administrator and the Board of Directors and they had reduced the invoice amount to Millard County from \$390,140.00 to \$350,000, which was the amount the County had budgeted. That amount of money is needed during the transition period to cover payroll and operating costs until Medicare, Medicaid and insurance payments begin to come in. She requested the check be sent to Delta with her today.

Later in the meeting Treasurer John Hansen came before the Commission and reported that a check for \$350,000 could not be sent over to Delta today, because there are not enough funds in that account to cover that amount. He asked what the minimum amount MCC&R could get by with today. He will be able to transfer additional funds today but it will be a couple of days before the money will be available in that account.

After discussing different options Commissioner Walker made a motion to have Treasurer Hansen release enough funds to enable the Auditor's Office to write a check for \$125,000 payable to the MCC&R. The check will be sent today with Commissioner Walker to be delivered to Jeff Christensen, MCC&R Administrator.

REVIEW AND POSSIBLE APPROVAL OF APPLICATION FOR A NON PLAT SUBDIVISION #Z-2008-004 RICHARD HERBST AND KIMBERLY HERBST FOR PROPERTY LOCATED IN SECTION 18, T21S, R5W SLB&M, 6.4 ACRES LOCATED IN FLOWELL

Millard County Planner Gary Walker displayed a map showing where the Herbst property is located. Mr. and Mrs. Herbst would like to divide the property into two other parcels. They will continue to farm the land for now but plan on eventually building homes in the future.

The Millard County Planning Commission has given its approval for the non plat subdivision.

Commissioner Smith made a motion to approve the application for a non plat subdivision for Richard and Kimberly Herbst.

Commissioner Walker SECONDED the motion. The voting was unanimous and the motion carried. Appreciation was expressed to Mr. and Mrs. Herbst for going through with the process

before the property was split. Attorney Waddingham will give the Commission Chairperson a certificate to sign and then it will be recorded in the Recorder's Office.

RATIFY THE APPROVAL OF THE SPECIAL USE APPLICATION AND PERMIT FOR RECREATIONAL EVENTS BETWEEN FOREST SERVICE AND MILLARD COUNTY

Attorney Waddingham made a suggestion to amend the contract by adding the words "This permit does not include the Poker Run" and it will be initialed by Commissioner Cooper.

Commissioner Smith made a motion to approve the special use application and permit for recreational events between the Forest Service and Millard County with the amendment mentioned above.

Commissioner Walker SECONDED the motion. The voting was unanimous and the motion carried. *Clerk needs a copy of the document.

RATIFY THE APPROVAL OF ENTERING INTO AN AGREEMENT WITH LARSON & COMPANY FOR THE 2007 INDEPENDENT AUDIT

Commissioner Smith made a motion to ratify the approval of entering into an agreement with Larson & Company for the County's 2007 Independent Audit.

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

FILING OF DISCLOSURE STATEMENTS

There were no Disclosure Statements filed.

OPENING OF MAGCHLORIDE BIDS FOR MILLARD COUNTY ROAD DEPARTMENT

Attorney Waddingham opened the following bids for MagChloride for the Millard County Road Department.

Dustbuster Inc.

Delivered to:

<u>Eskdale*</u>	<u>Limeplant*</u>	<u>Fillmore</u>	<u>Delta</u>
\$57.40	\$50.60	\$49.00	\$47.50

*Plus a fuel charge

Hill Brothers

\$45.27 delivered to all locations

Commissioner Smith made a motion to accept the bids from Dustbuster Inc. and Hill Brothers. The bids will be given to Thayne Henrie at the road department for review. The bid will be awarded in a few days and the results will be reported at the next Commission meeting.

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

carried. Commissioner Smith will give the bids to Mr. Henrie.

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

Commissioner Walker attended a Millard County Tourism meeting on Wednesday, March 12, 2008.

She also attended a meeting with the MCC& R on Thursday, March 13, 2008.

On Wednesday, March 12, Commissioner Smith attended a farm policy meeting with the State and Local Farm Bureau to talk about issues that were worked on at the State Legislature. It is good to work together in trying to protect the agricultural base of Millard County.

Commissioner Smith, Commissioner Cooper, Mark Ward, the BLM, the State of Utah and livestock grazers met to discuss proposed grazing plans to help minimize the fire danger. They also worked to help livestock grazers, who lost their grazing land to the Milford Flat Fire, find pasture for their livestock.

Commissioner Smith, Commissioner Cooper, Adam Britt, Richard Beckstrand and Recorder Connie Hansen attended the GIS meeting this morning and discussed the process of verifying all of the addresses in the County for the E911 System. They are very close to having the process finished. The information will be very valuable for the Sheriff's Office, the fire departments, CERT personnel and others to use whenever there is an emergency. Also, there will be bid contracts put out for completing the section corners in Millard County especially in the Garrison and Gandy area.

Commissioner Cooper had met with Braxton McCoy to discuss his position with Right 2 Work.

The Commissioners agreed that the definition of a "*significant parcel*" of property will be a single parcel of property worth more than \$25,000.00. He will prepare a County ordinance governing the sale of surplus property. Proper notices and procedures will still be followed in selling any parcel of property owned by Millard County.

Attorney Waddingham said that according to policy the County offers a defensive driving class every few years and an annual refresher course. He is not aware of the annual refresher course being offered and he suggested the county policy be amended to delete that requirement. He will check with Risk Management to see if annual refresher courses are required for rebates and if not, he will then proceed to revise the policy.

OTHER BUSINESS

Millard County Treasurer John Hansen said that he had received a letter from the Office of the State Auditor regarding withholding funds to the attached list of entities that need to comply with

Utah Code section 67-3-1(7)(g). (See Exhibit A for letter and Exhibit B for list of entities.)

Commissioner Smith made a motion to have a Quit Claim Deed prepared conveying all Millard County's sand and gravel rights back to LoraDean Priest on property in which she had previously conveyed said sand and gravel rights to Millard County. She has complained about not receiving proper consideration for the removal of gravel.

The County no longer uses the gravel site.

Commissioner Walker SECONDED the motion. The voting was unanimous and the motion carried. Representative LuWanna Shurtliff will be notified of the County's action in this matter.

Commissioner Walker made a motion to appoint Justin Johnson to the Days of the Old West Rodeo Committee.

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

Commissioner Walker made a motion to approve a payroll change for Nicole Nichols as a new night supervisor with the recreation department at \$6.55 an hour.

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

Commissioner Walker lead in a discussion about the increased cost of wood shavings, noting the county is currently losing \$.25 a bale. The Commissioners agreed to increase the fee stalls to \$21.00 for uncovered stalls and \$31.00 for covered stalls and \$8.00 for each additional bale.

Commissioner Smith reported that County Planner Gary Walker will be leaving his position with the County. Applications for the position will be taken until 5:00 p.m. on March 26, 2008. Gary Walker has done a very good job as both a planner/ building inspector and he will be missed.

PUBLIC INPUT

There was none.

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

There was none.

WHERE UPON THE MEETING ADJOURNED

Commissioner Smith made a motion to adjourn the meeting.

Commissioner Walker SECONDED the motion. The voting was unanimous and the meeting adjourned at 11:35 a.m..

Attest: _____

Approved: _____

EXHIBIT A



Auston G. Johnson, CPA
UTAH STATE AUDITOR

STATE OF UTAH
Office of the State Auditor

Utah State Capitol Complex
East Office Building, Suite E310
PO Box 142310
Salt Lake City, Utah 84114-2310
(801) 538-1025
FAX (801) 538-1383

DEPUTY STATE AUDITOR:
Joe Christensen, CPA

DIVISION OF LOCAL GOVERNMENT
MacRay A. Curtis, CPA, Director
Richard M. Moon
Kent L. Godfrey, CPA
Van H. Christensen, CPA

January 17, 2008

Received 1-22-08 jlh

John L. Hansen, Treasurer
Millard County
Millard County Courthouse
50 S. Main
Fillmore, UT 84631-5504

Dear Mr. Hansen:

In accordance with the responsibility and authority given the State Auditor in Utah Code section 67-3-1(7)(g), a property tax distributed to the entities on the attached list should also be withheld by Millard County beginning immediately until written authorization for release is received. These entities have received written notice and been given at least 60 days in which to comply.

All property tax distributions, including redemptions, etc., should be held until you receive written authorization from this office signed by Auston Johnson, Richard Moon or myself to release the funds. Actual possession of the checks remains with you. It is not necessary to notify our office of the amounts withheld.

Your assistance is greatly appreciated. If you have any questions, please call our office at 538-1025.

Sincerely,

MacRay A. Curtis, CPA
Director, Local Government Division

cc: Brandy Grace, Auditor

Attachment

Utah State Auditor's Office - Withhold Funds Report

County Millard

Entity Name	Entity Type	Year / Report Type
Millard County	County	2006 Financial Report
Millard County	County	2006 UT Form / Survey of Local Governments
Millard County Drainage District #3	Special	2003 12/31 Deposit and Investment Report
Millard County Fire District	Special	2005 UT Form / Survey of Local Governments
Millard County Housing Authority	Housing	2006 Financial Report
Millard County Special Service District #8	Special	2007 Budget Report
Millard County Water Conservancy District	Special	2003 Financial Report
Millard County Water Conservancy District	Special	2004 UT Form / Survey of Local Governments
Millard County Water Conservancy District	Special	2004 Financial Report
Millard County Water Conservancy District	Special	2005 Financial Report
Millard County Water Conservancy District	Special	2005 Budget Report
Millard County Water Conservancy District	Special	2005 12/31 Deposit and Investment Report
Millard County Water Conservancy District	Special	2005 UT Form / Survey of Local Governments
Millard County Water Conservancy District	Special	2006 6/30 Deposit and Investment Report
Millard County Water Conservancy District	Special	2006 UT Form / Survey of Local Governments
Millard County Water Conservancy District	Special	2006 12/31 Deposit and Investment Report
Millard County Water Conservancy District	Special	2006 Financial Report
Millard County Water Conservancy District	Special	2006 Budget Report
Millard County Water Conservancy District	Special	2007 Budget Report
Millard County Water Conservancy District	Special	2007 6/30 Deposit and Investment Report

