

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 28th DAY OF OCTOBER 2008
AT THE COURTHOUSE, FILLMORE, UTAH

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

Richard Waddingham County Attorney
Janice Robins. Deputy County Clerk

ALSO PRESENT: Brandy Grace. Millard County Auditor
Linda Gillmor. Millard County

EXCUSED: Norma Brunson Millard County Clerk

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:

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

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

FOLLOW UP ACTION ITEMS FROM MINUTES OF OCTOBER 21, 2008

There were none.

AUDITORS REPORT

Auditor Brandy Grace gave the Commissioners various invoices to review and approve for payment through the Auditor's Office. An invoice in the amount of \$94,050.00 for the roof on the public safety building was approved for payment.

Auditor Grace gave the Commissioners the Check Edit Report of October 28, 2008 to review and sign. The Payroll Report of October 24, 2008 was given to the Commissioners.

Auditor Grace said she had received a call from Linda Boggess who had filed a request for primary exemption on her home and her request had been denied by the Assessor's Office. Commissioner Smith will call Mrs. Boggess and explain the County's position.

Auditor Grace said the PEHP's executive reports which shows the County utilization of insurance claims for the period October 2006 through September 2008 had been received. The report will be available for review in the Auditor's Office.

ADOPTION OF THE 2009 MILLARD COUNTY TENTATIVE BUDGET

Auditor Brandy Grace briefly explained that the tentative budget is ready to be adopted and she recommends that it be passed.

Commissioner Walker made a motion to adopt the 2009 tentative budget. There is still work being done on the budget. The budget hearing will be held December 2, 2008. The final budget will be adopted on December 16, 2008.

Commissioner Smith **SECONDED** the motion. The voting was unanimous. Copies of the tentative budget will be available for review at the Auditor's Office, the Clerk's Office, and the offices in Delta.

OTHER BUSINESS

Commissioner Cooper read a letter from Leonard Blackham regarding support in the amount of \$10,000 for a range tech. Millard County's position is that a tech would not be a benefit to the County. Linda Gillmor will write a letter to Mr. Blackham explaining the County's position.

Millard County's 2009 assessment for the Indigent Defense fund is \$8,215.00 and the payment is due on January 15, 2009. The money will be included in the 2009 budget.

A Request for Commission Waiver was turned in by the Delta Community Medical Center for the use of the fair building on November 13, 2008 to hold the annual Health Fair.

Commissioner Walker made a motion to waive the fees 50 percent for the Delta Community Medical Center to use the Millard County Fair Building for the Health Fair.

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

Commissioner Smith made a proposal to hold a special County Commission meeting on November 5, 2008 at 6:30 p.m. to adopt a resolution to designate the type of payment Millard County receives from the Forest Service. The resolution would need to be adopted by November 10, 2008 in order to get funding that is part of the rural school's program. The meeting will be advertised. Sheryl Dekker will take care of the recording and minutes of the meeting.

Commissioner Smith made a motion to contract with Daniel J. Feeney Jr., CBI Inspection Services, to cover the building inspection services for the County during one week in February while

Derral Owens goes to training in Salt Lake City, Utah. He will be oriented by Mr. Owens and receive milage while on the job. Gary Walker who usually covers the office will not be available that week.

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

Commissioner Walker lead a discussion regarding the concession stand at the ball parks in Delta. In a letter, Jackie Nielson who represents Sisters Specialties related some of the past experiences and problems the group had while running the ball park concession stand this summer. The group feels like there was no profit in providing this service to the players and their families. They suggested the following improvements be made to the stand.

- Install stainless steel sheets behind grill
- Upgrade the stand up to fire suppression standards
- To be able to use a deep fryer (to enable them to sell chili french fries)
- Reduce the percentage sales given to the County
- Cost of repairs estimated at \$4,000-\$7,000

The Commissioners denied the improvements because the County could not recover the expenses of the upgrade. They will let Mrs. Nielson know of their decision.

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

All three Commissioners have been working on the budget and salary structure.

Commissioner Walker attended the Delta Area Chamber of Commerce Meet the Candidates meeting on October 23, 2008. Many of the candidates were present.

Commissioner Smith attended the Central Utah Counseling meeting in Richfield. The contract for the new director, Brian Whipple was finalized. The different audits were reviewed and they also discussed how the funding works. Central Utah Counseling provides a great service to the community.

Commissioner Smith met with Millard County Planner Sheryl Dekker to do an update on the bylaws for the Millard County Planning and Zoning Board. The draft will be discussed at the November 5, 2008 meeting.

Commissioner Smith received a letter from Fred and Loridean Valdez who are concerned about a gravel lease the County has with them. Commissioner Smith will follow up with their complaint.

Commissioner Smith reported that he had sent a biography into Utah Association of Counties (“UAC”) as he has been nominated to run as Secretary of the UAC Executive Board. He thanked Commissioner Walker and Linda Gillmor for their help in writing the paper.

Commissioner Cooper attended the Central Utah Public Health Department meeting in Richfield, Utah. Discussed was the program and the efforts made to educate the public of the TB outbreak. A proposal for a 4 ten hours a day work week was made, but the board put the proposal on hold until after February. Director Bruce Costa is concerned about providing good service if the office is closed on Fridays. Most of the employees are in favor of the proposal.

Attorney Waddingham reported that the check for the roofing project on the public safety building is payable jointly to Holliman and Quality Roofing who are partners working on the project.

PUBLIC HEARING TO CONSIDER POTENTIAL PROJECTS FOR WHICH FUNDING MAY BE APPLIED UNDER THE CDBG SMALL CITIES PROGRAM FOR PROGRAM YEAR 2009

Commissioner Smith made a motion to enter into a public hearing to take public comment regarding the potential projects for which funding may be applied under the CDBG Small Cities Program for Program Year 2009.

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

Commissioner Cooper called the public hearing to order. Present was: Linda Gillmor. The hearing began at 11:00 a.m..

Linda Gillmor explained that the amount available for CDBG funding is about \$500,000 to be split within the Six County area. Each area gets a \$300,000 base amount and then an additional amount based on population. Six County takes its administrative costs off the top. Millard County qualifies because the population is less than 200,000 people who have a low to moderate income. She said that the:

First project recipient gets no more than	\$250,000
Second project recipient gets no more than	\$125,000
Third project recipient get no more than	\$125,000

Many cities, towns and Millard County have received CDBG funds in the past for worthwhile projects.

No one from the public made a comment.

Commissioner Walker made a motion to adjourn the meeting.

Commissioner Smith SECONDED the motion. The voting was unanimous and the motion carried. The meeting adjourned at 11:05 a.m..

DISCUSSION AND POSSIBLE APPROVAL OF CDBG

Linda Gillmor said last year Millard County applied for CDBG funds to build a new ambulance building in Fillmore and the application was denied because of the lack of a record showing a low to moderate income in the area. Mrs. Gillmor said that CERT volunteers are helping to do a survey to check the income level in the area which will provide proof of income for the application. If the figures are good, then the County will reapply for the CDBG funds. The survey

should be finished in a couple of days.

Commissioner Walker made a motion to approve the application for an ambulance building in Fillmore if the income survey shows that the County qualifies for the funds.

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

DISCUSSION AND POSSIBLE APPROVAL OF ENTERPRISE ZONE RENEWAL

Linda Gillmor reviewed the Millard County Enterprise Zone Renewal that was submitted to the State of Utah Governor's Office of Economic Development. A letter will be sent out to Millard County businesses notifying them that if they are in an Enterprise Zone they can take advantage of the potential state tax rebates.

Commissioner Walker made a motion to approve the 2008 Enterprise Zone Renewal and to approve additional enterprise zones.

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

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 pending litigation.

Commissioner Smith SECONDED the motion. The voting was unanimous and the session began at 11:19 a.m. The closed session ended at 11:32 a.m..

OTHER BUSINESS

Treasurer John Hansen brought up a tax issue with the Commissioners in behalf of Thomas Stanworth the owner of property with serial number DO 4522. The taxes are delinquent for 2004, 2005, 2006, 2007 and 2008 taxes are due the end of November. Contact has been made with him and his church made a payment on the taxes for 2006 and 2007. He would like consideration for further abatements on the penalties and interest.

Commissioner Smith made a motion to approve waiving the penalty and part of the interest for the 2006 and 2007 tax years and all the penalty and interest for the 2004 and 2005 tax years upon payment of the taxes. Monthly payments can be made and the deadline for full payment is April 2009. Mr. Stanworth will be responsible to pay the abated taxes for 2008.

Commissioner Walker SECONDED the motion. The voting was unanimous and the motion carried. Treasurer Hansen will notify Mr. Stanworth of the Commissioners decision.

NOON LUNCH BREAK

The meeting was adjourned following a motion by Commissioner Smith and a seconded by Commissioner Walker. The voting was unanimous and the motion carried. The meeting reconvened in the afternoon at 2:02 p.m..

COMMISSIONERS WORK MEETING WITH HEALTH, BEHAVIOR, INNOVATION (“HBI”)

Judy Harrison from HBI met with the Commissioners to discuss the “Apple” program regarding a wellness program for County employees. The purpose of Millard County’s investment in wellness would be to support employees to be healthier, happier, and live longer. The participation incentive includes:

- Increased health and well being
- Insurance premium discount
 - 90%/10% - Participation
 - 80%/20% - Non participation
- Activities, competitions, and education

The Commissioners will make a decision in the near future if the County will participate in the Apple Program.

Commissioner Walker made a motion to adjourn the meeting.

Commissioner Smith SECONDED the motion. The voting was unanimous and the motion carried. The meeting adjourned at 2:48 p.m..

The meeting reconvened at 3:00 p.m. after a motion was made by Commissioner Smith.

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

COMMISSIONERS MEETING WITH PUBLIC DEFENDER JAMES K. SLAVENS

James K. Slavens who has the public defender’s contract with Millard County came before the Commissioners to discuss renewal of the public defender’s contract. He explained the drawbacks of being the public defender. He said that he would not sign a new contract without the protection in the following paragraph:

E. After *two* years, no later than (*date*), the Millard County Commissioners and Attorney will enter negotiations for the renewal of this Contract for the future period. With the understanding that preference for the Contract will be given to an attorney residing in County and continuing this contract, the parties will negotiate the terms of the new Contract using the following factors: a rate commensurate with the work load; what other counties are paying for similar services, and what has been paid for indigent representation in the past in Millard County. Keeping these factors in mind, County will negotiate in good faith with Attorney for continuing the contract and will make a good faith offer to continue the contract. During this process or at any time prior thereto, in accordance with Millard County Policy on purchasing goods or services and in an effort to be aware of

prevailing costs for defender services, County may request qualifications, proposals and bids from others desirous of providing defender services to County.

County Attorney Richard Waddingham said initially the contract issue came up because attorneys from other areas had called about bidding on the public defender contract. The current contract was sent to UAC Attorney Adam Trupp to review. Mr. Trupp thought it was a pretty good contract but thought the right to control and set the conditions of the contract should be the County's decision and not a third party. Former County Attorney Jackson was asked for his interpretation of what the negotiating in good faith meant. He said the contract ends at the end of the year and the extension and negotiation is for a public defender, not to carry over the terms of the new contract. The terms of the new contract will be left up to the County. Attorney Waddingham felt it was best not to participate in this matter. Commissioner Smith sent the contract off to UAC's attorney to review. The contract can be for one year, two years or more if the County wants.

A new contract will be written up and time will be given to Mr. Slavens to review before the meeting on November 18, 2008 at 2:30 p.m..

WHERE UPON THE MEETING ADJOURNED

Commissioner Walker made a motion to adjourn the meeting.

Commissioner Smith SECONDED the motion. The voting was unanimous and the motion carried. The meeting adjourned at 3:50 p.m..

Attest: _____

Approved: _____