

MINUTES OF BOARD OF COUNTY COMMISSIONERS  
MILLARD COUNTY THE 5th DAY OF May 2009  
AT THE COURTHOUSE, FILLMORE, UTAH

PRESENT: Kathy Y. Walker Chairperson  
Daron P. Smith Commissioner  
Bart A. Whatcott Commissioner

Richard Waddingham County Attorney  
Norma Brunson County Clerk  
Marki Rowley Deputy County Clerk

ALSO PRESENT:

John Pelczar First Wind  
Connie Bennett Domestic Violence Coalition  
Tony Fuller UT Millard Water Holdings  
John Hansen Millard County Treasurer  
Brandy Grace Millard County Auditor  
Sheriff Dekker Millard County Sheriffs Office

NOTE: Not all agenda items were followed in order.

PURSUANT TO AN AGENDA WHICH HERETOFORE HAD BEEN  
PROVIDED TO

each member of the governing body, posted at the principal office of the Millard County Commission, posted on the Utah Public Notice Website, and provided to the Millard County Chronicle Progress, a newspaper of general circulation within Millard County, as required by law, the following proceedings were had:

COORDINATION SESSION

The Commissioners scheduled events for the months of 2009.

PUBLIC WAS WELCOMED

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

OPENING STATEMENTS

Commissioner Walker asked if anyone had an opening statement to give. Commissioner Whatcott said the invocation. Everyone stood and said the Pledge of Allegiance to the Flag.

## MILFORD WIND CORRIDOR, LLC PROJECT PROGRESS AND CONSTRUCTION

John Pelczar, First Wind Construction Manager, reported that the project was progressing extremely well. He reported the following information:

- 350 transmission line structures have been assembled
- 97-98 percent of the roads have been completed
- 25-30 percent of the 200 employees are local hires
- 60 sites out of 97 on Phase 1 have been excavated, by the end of today 10 foundations should be backfilled
- 4 foundations are being poured a day
- Structures should start going up by the last week in May
- Phase 2-A in Millard County should be started by the fall if permitted
- 2 Golden Eagles have nested near power poles, possibly delaying construction a couple of weeks
- 8 full time water trucks are run 12 hours a day to help control the dust
- Water for the trucks is coming from a well on the Circle 4 Property

## DISCUSSION: CONNIE BENNETT, NO ONE DESERVES TO BE ABUSED PROGRAM

Connie Bennet, Co-chairman of the Domestic Violence Coalition in Millard County, reported that the coalition is working on a project to promote awareness for domestic violence in Millard County. The Coalition gets a grant every year to help with this project. Some of the grant money will be used on what they call a "Leaders Dinner". This dinner will invite all the leaders and the town councils, to become aware of all the different forms of violence, as well as the statistics to show the effects domestic violence has on our county. There will be a conference on domestic violence sometime in October. Connie Bennett as well as other advocates are available anytime to help, talk to or advise anyone in a violent situation. The number 1-800-897-5465 will be posted in places for people who are or know someone who is being abused. These calls are kept private, but are directed to local advocates who are available to help in anyway possible. It is okay to seek help if you, or anyone you know is in a violent situation. All donations of any kind are welcome. Contact the Division of Child and Family Services (DCFS), Connie Bennett, or

the Sheriff's office to donate. Sheriff Dekker thanked this coalition for all its help and support it has already given.

## DISCUSSION AND POSSIBLE APPROVAL OF AN AMENDMENT TO THE MILLARD COUNTY POLICY REGARDING CELL PHONE USAGE AND MEAL REIMBURSEMENT

Auditor Brandy Grace reported that she and the Commissioners sat down and read the Taxable Fringe Benefit Guide and came up with some notes regarding new policies:

- Meal reimbursement will require an over night stay to be non taxable
- Exceptions would be for a work type setting if a group is working through the lunch hour.
- Per diem will not be paid unless on an overnight stay, 75% per diem will be paid by the County.
- Now require that the purpose of the meal and those in attendance be documented and a receipt be presented before the meal can be reimbursed.
- Non emergency vehicles will not be used for personal use unless in an emergency situation.
- Internal Revenue Service (IRS) guidelines require that the employee be taxed \$3.00 a day for use of a county vehicle.
- There will be different exclusions for marked emergency vehicles.
- Safety equipment can be reimbursed if it provides safety for the employee
- No form of awards can be given equivalent to cash
- Cell phone allowances will be given on a taxable basis of \$40 a month for a basic plan, \$65 for a plan that requires the use of more minutes, and \$120 a month will be given for the maximum plan, for those who require email and internet access.
- Cell phones under contract may need to wait until the contract expires.

Commissioners reviewed the policy on County vehicles for personal use and non emergency use for County Supervisors. Sheriff Decker stated that he thinks personal use of county vehicles is a big benefit to the community. This would allow back up to respond in a shorter time and to be able to cover the area better. There have been several instances where the response is needed more immediate and the employees who are on duty at the time are tied up or too far away. The employee not on duty would be able to get to the emergency site a lot faster. When the employee on duty arrives at the scene he/she would be able to relieve the off duty employee. Sheriff Dekker also stated that if there is an issue that needs to be addressed in his department to let him know as soon as possible. He would like to address it and fix it himself. One solution to this

would be for the off duty employee to let dispatch know when the vehicle is in use and who is available.

The motion for this item was tabled.

#### **BID OPENING FOR (2) 1986 AUTOCAR TRUCKS OWNED BY MILLARD COUNTY**

The following bids were opened. The amounts were posted on the board by County Attorney Waddingham.

Company Name Amount of Bid

Andrade Dairy \$3,155 / truck

Robert Meinhardt \$1,557 truck # 2

Delta Garbage \$1,200 per truck

Commissioner Smith made a motion to accept the bid from Andrade Dairy. Commissioner Whatcott **SECONDED** the motion. The voting was unanimous and the motion carried

#### **POSSIBLE APPROVAL OF A BUSINESS LICENSE FOR UT MILLARD WATER HOLDING, LC-OWNER ANTHONY FULLER**

The Commissioners reviewed the business license and found all the signatures in order.

Commissioner Smith made a motion to approve the business license for the UT Millard Water Holding, LC-Owner Anthony Fuller.

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

#### **DISCUSSION AND POSSIBLE APPROVAL OF APPOINTMENT FOR JAN ROBISON TO MILLARD COUNTY TOURISM COMMITTEE**

Commissioner Whatcott made a motion to appoint Jan Robison to the Millard County Tourism Committee.

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

## RATIFY THE SIGNING OF THE UTAH EMERGENCY MEDICAL SERVICES GRANT PROGRAM APPLICATION

Commissioner Smith made a motion to ratify the signing of the Utah Emergency Medical Service Grant Program Application. Commissioner Whatcott **SECONDED** the motion. The voting was unanimous and the motion carried.

## RATIFY THE MOTION TO SIGN THE STATEMENTS OF CONFIDENTIALITY

Auditor Brandy Grace and all employees in the Assessor's office have signed the Statement of Confidentiality form, as well as the County Commissioners. Commissioner Smith made a motion to ratify signing the Statement of Confidentiality forms. Commissioner Whatcott **SECONDED** the motion. The voting was unanimous and the motion carried.

## PUBLIC HEARING TO RECEIVE PUBLIC INPUT IN REGARDS TO THE PERMANENT COMMUNITY IMPACT FUND (CIB)

Commissioner Whatcott made a motion to enter into a public hearing for the purpose of receiving public comment on the Permanent Community Impact Fund. Commissioner Smith **SECONDED** the motion. The voting was unanimous and the motion carried. Commissioner Walker called the public hearing together at 11:21 a.m.

The County has applied for grants from the Community Impact Board (CIB) in the amount of \$125,000 and from the Community Development Block Grant (CDBG) in the amount of \$195,000 to construct a new ambulance building in the Fillmore area. If the grants are approved the County has agreed to contribute \$54,000 out of County funds and \$20,000 from the revolving loan fund to help cover the cost of the ambulance building. Commissioner Whatcott suggested that they somehow incorporate the Public Health Department Office in the new building.

There were no other comments made.

Commissioner Whatcott made a motion to go out of the public hearing. Commissioner Smith **SECONDED** the motion. The voting was unanimous and

the motion carried. The public hearing closed at 11:25 a.m.

The regular meeting reconvened.

## DISCUSSION AND POSSIBLE AMENDMENT TO THE INTERLOCAL AGREEMENT WITH THE MOSQUITO ABATEMENT

Commissioner Smith gave a copy of the 2007, 2008 and 2009 Mosquito Abatement Budget, as well as the 2007-2008 Operating Fund balances to Auditor Grace, Treasurer Hansen, Commissioner Whatcott, and Commissioner Walker to review. The decision was made to table the possible amendment to the Interlocal Agreement with the Mosquito Abatement until the next Commission meeting.

## OTHER BUSINESS

Commissioner Whatcott reported that he received a letter from Panoramaland Resource Conservation and Development, Inc. (RC&D) asking the County to continue to provide financial support. In the past Millard County has contributed \$100 a year, but feel like this hasn't addressed any projects in Millard County at all. The Commissioners decided not to contribute this year because of the lack of local projects by the Panoramaland RC&D.

Commissioner Whatcott made a motion not to participate in the contribution of \$100 to the Panoramaland RC&D.

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

Commissioner Whatcott reported that he had a conversation with Stan Robison who is in charge of spraying the weeds for Millard County. He said that they had 340 gallons of weed spray given to the County, which will be a big savings. Stan Robison has been out spraying and he is almost finished spraying the east side of the county. The Weed program seems to be working well. There is a weed meeting Thursday, May 7, 2009 in Delta. The County Road Department is covering Stan Robison's salary for spraying the paved roads, which is priority right now. When he starts spraying noxious weeds it will come out of the weed budget. There is a possibility for the weed department to apply for extra grant money to cover labor costs.

Jolene Johnson has moved to Orem and is no longer the Utah Extension agent in Millard County. On May 1, 2009 Seth Olmes, Utah State University (USU) Extension agent left and went to a part time job in Iron County. Jolene Johnson

may be brought back for part time. They are currently looking at replacements but that may not be until July.

There will be a Recreation meeting Wednesday, May 6, 2009 at the Golf Course.

Commissioner Smith received a letter from the US Forest Service stating that the Cooperative Road Agreement No. 07-RO-11040800-024 had been completed.

In Regards to the chemical purchase by the Road Department, Auditor Grace said that the purchasing policy states that if someone is purchasing something that requires a telephone bid they are required to be submitted with the invoice and attached with documentation of payment. She thought that the payment was for \$40,000.

Commissioner Smith replied that he thinks that they bid out that amount and bought enough as a priority to do the paved roads.

Commissioner Walker stated that in the future if the amount of the bid is over \$25,000 it needs to be in a sealed bid for the entire amount and opened in the Commission meeting.

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

Commissioner Whatcott 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 Smith **SECONDED** the motion. The voting was unanimous and the motion carried. The session began at 11:46 a.m.

After the closed executive session the regular meeting reconvened at 12:37 p.m.

Commissioner Smith made a motion to recess for lunch.

Commissioner Whatcott **SECONDED** the motion. The voting was unanimous and the motion carried. The meeting recessed at 12:38 p.m.

#### NOON LUNCH BREAK

Commissioner Smith made a motion to reconvene the meeting at 3:09 p.m.

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

## PUBLIC INPUT

There was none.

## APPROVAL OF APRIL 21, 2009 COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held April 21, 2009 were presented for consideration and approval. Following review and consideration of minor corrections

Commissioner Whatcott made a motion to approve the minutes of April 21, 2009, as corrected.

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

## FOLLOW UP ACTION ITEMS FROM MINUTES OF APRIL 21, 2009

There were none.

## AUDITOR'S REPORT

Auditor Grace presented the Commissioners with a copy of the Check Edit Report of May 4, 2009 for their review and signing.

Auditor Grace said that there has been a hold on disbursements to the Fire Service District because they have not yet filed their UT1 form for 2005. She has spoken to Van Christensen at the State Auditors office about this. He has sent a release. The Treasurer's Office has been notified that disbursements can now be made. Auditor Grace confirmed with the Commissioners that the Title II money received in the amount of about \$41,000 will remain with the County and not the Fire District.

She was contacted by Romone Rodriguez who is wanting to buy the steam roller from the Road Department that was auctioned off last October during the Surplus Auction, but was never picked up. During the October bid Tori Oliver won the Steam Roller with a bid of \$2,700 under the condition that he remove the Steam Roller by 5:00 p.m. the following Monday. The Steam Roller still has not been removed after seven months. The Commissioners decided to go ahead and sell it to Romone Rodriguez for the \$1,500 that he is bidding.

Deb Haveron wanted the Commissioners to look at the tourism employee



wages before the minimum wage increases in July. They will schedule a work meeting for June to look further at this request.

Commissioner Smith presented to Auditor Grace an invoice in the amount of \$500 to the Nevada State Bar, for Attorney Mark Wards for the Southern Nevada Water Protest.

Commissioner Smith made a motion to approve the payment for out of state counsel in the amount of \$500.

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

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

Commissioner Whatcott reported that he received a phone call from Farrell Marks from the Central Utah Counseling Center, regarding the ATV ride on the Amasa Basin Trail at Notch Peak, scheduled May 14, 2009. They have invited the Commissioners to attend the ride. Commissioner Smith will call him back to get the details and let the other Commissioners know.

Commissioner Whatcott will attend the Public Safety Summit Tuesday May 12, 2009 and Wednesday May 13, 2009 in preparation for the **MOCK** Disaster. He also attended the property tax training. He learned how the whole inner working process worked here in Millard County.

Commissioner Smith reported that he attended the Joint Highway Committee in St. George. One of the points of the meeting was the class B and C road money around the state is about three or five percent less in receipts than anticipated. Currently UDOT has one highway project planned for Millard County this summer. He also attended the property tax seminar presented by UAC along with Commissioner Whatcott.

He also attended the County Road Department safety training meeting Monday, May 4, 2009 where he went through the map that the Utah School Institutional & Trust Lands Administration (SITLA) had given to the county identifying the rights of way of roads over SITLA property. The road grade operators were there to verify the roads that SITLA had identified as class B county roads that they maintain.

Commissioner Walker reported that she and Commissioner Whatcott attended the Council of Governments (COG) meeting. The meeting involved commissioners, mayors and unincorporated community representatives.

Commissioner Whatcott presented E 911 availability information. Representative Brad Winn was in attendance and reported on the Legislative Session and bills he sponsored. There was also discussion on the Southern Nevada Water Authority (SNWA) and request to the Nevada State Engineer to postpone the administrative hearing for one year. The Nevada State Engineer postponed the hearing until the fall of 2011.

The three Commissioners along with Sheryl Dekker, County Planner, met with the Fillmore Bureau of Land Management (BLM) Field Office Staff. Topics included siting of transmission lines for proposed projects, recreational activities planned, and the receding of 40,000 acres last fall on BLM land affected by the Milford Flat Fire. They also discussed poor air quality due to dust from the Milford Flat Fire.

Commissioner Walker attended the farewell for Janice Robins, who retired from the County Clerks Office after many years of service. Among Janice's duties was serving as Commission Secretary. She was efficient, professional, and delightful, and she will be missed.

Commissioner Walker presented a Notice for all County employees and volunteers who drive or may drive Millard County vehicles. They are all required to complete a defensive driving class at the beginning of employment or at the time of becoming a volunteer. Every five years thereafter, employees and volunteers are required to complete another defensive driving class and to take annual refresher courses on safe driving practices. The classes are set for Tuesday June 2, 2009 in Fillmore at 9:00 a.m. at the Sheriffs Office, and Wednesday June 3, 2009 in Delta at 9:00 a.m. at the Posse Building.

## TREASURER'S REPORT

Treasurer John Hansen gave the Commissioners the Treasurer's April 2009 Revenue Report from the property tax collection. He informed the Commissioners of the Fire District tax hold release. He has already disbursed the property tax money for the month of April to meet the required deadline. This means the Fire District will not receive their tax money until the end of May.

He also gave the Commissioners the April 2009 Millard County Funds Report. This report shows that the county funds are in balance for the month of April. Going over the report he pointed out that in the State Treasurer's report in Special Projects it shows we have \$199,000 but when you look into special

projects as far as money in the funds and what is available it shows a minus \$322. The Commissioners will need to make a decision as to where to make adjustments to bring this to a positive balance.

Commissioner Walker asked about a salary and benefit monthly report. Auditor Grace said that she will have Chief Deputy Auditor Bonnie Gehre put it together and give it to her.

Auditor Grace has checked into the revenue that would be developed from the 1% restaurant tax. She stated that she has looked through the reports that the State provides and is finding it impossible to make an analysis due to the States discretion of their reporting information.

Commissioner Smith said there was talk about doing away with the restaurant tax and making it a county tax. The Utah Restaurant Association is pushing to keep the restaurant tax to promote the restaurants. If there is a change it will not go into effect until fall.

Treasurer Hansen went over the April 2009 Millard County Funds Report. Commissioner Walker asked Treasurer Hansen to explain some figures on the report. After his explanation he stated that as long as the bottom numbers match then the figures are in balance. Commissioner Walker then asked if there were any concerns that the Commissioners were not seeing on this report. Auditor Grace stated that they were going to take a closer look at Fund 22 during the year. She also said that the Transient Room Tax (TRT) had brought in more money than what the expenses were.

Commissioner Walker questioned whether the numbers in the negative on the class B- road fund report means that expected revenue has not been credited to the account. Auditor Grace confirmed that this is usually the case. As the money comes in it will then offset the negative balance. They hope to be in the positive by the end of the year.

Treasurer Hansen presented the Commissioners with a payment on personal property receipted by Amber from the Delta Office. Commissioner Walker stated that Amber is fairly new and is probably not aware of the policy not to take payments on personal property. Commissioner Walker will address this issue with the Delta Office so it will not happen again.

## OTHER

Commissioner Whatcott stated that he wanted to meet and go over the 2010 Budget that will be presented in November budget and discuss possible public

questions regarding the budget. The other Commissioners informed him that they will start going over the November budget in September.

Treasurer Hansen stated that the County's final tax sales on real property are coming up on May 28, 2009 at 10:00 a.m. The information is also listed on the County Website under the Auditors page. Suggestions were to possibly add the notice of tax sales to the bottom of the posted Public Hearings and Legal Notices for those who don't have access to the website.

**WHERE UPON THE MEETING ADJOURNED**

Commissioner Whatcott made a motion to adjourn the meeting.  
Commissioner Smith **SECONDED** the motion. The voting was unanimous and the meeting adjourned at 5:01 p.m.

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

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