

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 4th DAY OF MAY 2010
AT THE COURTHOUSE, FILLMORE, UTAH

PRESENT: Daron P. Smith..... Chairperson
Bart A. Whatcott. Commissioner

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

ALSO PRESENT: Russell Olsen..... Larson & Rosenberger
Kade Bartholomew Scouts
Brandy Grace County Auditor
John Hansen County Treasurer
Kevin Morris County Recreation
Robert Dekker County Sheriff
Deb Haveron Delta Office
Max Wood. Recreation/Pool
Stephen Jensen Road Department
Thayne Henrie Road Department

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:

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 asked if anyone had an opening statement to give. Commissioner Whatcott repeated a statement he had read earlier, “Most people are concerned about weathering the storm but we should be concerned about how to dance in the rain.” Commissioner Smith said the invocation. Everyone stood and said the Pledge of Allegiance to the Flag.

Commissioner Smith said in the order of business a legislative body is able to adopt its own set of rules as to its procedure. Commissioner Smith put together a paper entitled “Millard County Commission meeting procedures in interim of appointment of 3rd commissioner”. This is meant to

help the commission meetings run more smoothly while there are only two commissioners serving on the board. When a third commissioner is appointed the commission will go back to the original way of conducting the meeting. This will be on file as a policy and will be practiced if there are only two commissioners on the board. *A copy is attached to the minutes.*

REQUEST FOR COMMISSION WAIVER - DELTA HIGH SCHOOL FOOTBALL

Commissioner Smith explained that the Delta High School football team holds a demolition derby every year and each time requests a waiver for the outdoor arena.

Commissioner Whatcott made a motion to waive all of the fees for the use of the outdoor arena.

The policy states that the county can waive up to 50% of the fees at the discretion of the commissioners.

Commissioner Whatcott rescinded his motion.

There was discussion as to whether Delta High School carried insurance coverage for the event. Attorney Waddingham will follow up on this matter.

Commissioner Whatcott made a motion to waive 50% of the fees for the use of the Millard County Outdoor Arena for the Delta High School football derby, with the understanding that Delta High School be responsible for all the cleanup associated with this event and that it provides insurance coverage naming Millard County as an additional insured.

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

POSSIBLE ADOPTION OF RESOLUTION 10-05-04, A RESOLUTION OF THE MILLARD COUNTY COMMISSION TO AMEND THE MILLARD COUNTY FACILITIES USE AND RENTAL POLICY

This item was tabled until further discussion.

DISCUSSION AND POSSIBLE APPROVAL OF AMENDING THE MEMORANDUM OF UNDERSTANDING (MOU) WITH CENTRAL NEVADA REGIONAL WATER AUTHORITY (CNRWA) THE COUNTY OF INYO, CALIFORNIA, THE COUNTY OF JUAB, UTAH, THE COUNTY OF LASSEN, CALIFORNIA, THE COUNTY OF MILLARD, UTAH, AND THE COUNTY OF MONO, CALIFORNIA

Commissioner Smith said that Millard County entered into a MOU with CNRWA to get all the counties together to talk about the Southern Nevada Water Project. There were a few more counties from California who wanted to join the MOU, thus expanding the original MOU by two more counties. The MOU can be renewed every year. Millard County is a member and has participated for the last few years.

Commissioner Smith made a motion to approve amending the MOU with CNRWA the County of Inyo, California, the County of Juab, Utah, the County of Lassen, California, the County of Millard, Utah, and the County of Mono, California.

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

DISCUSSION AND POSSIBLE APPROVAL OF OPENING A TEMPORARY-PART-TIME MAINTENANCE POSITION TO MAINTAIN AND PROMOTE EQUESTRIAN EVENTS FOR THE EAST MILLARD EQUESTRIAN PARK

Commissioner Whatcott said that throughout the past couple of months of having conversations with citizens who are wanting to host events as well as talking to Tresa Cranny, East Millard Recreation Director, in seeing all her responsibilities, it was decided that a part-time maintenance person was needed to take care of the arena and all the surrounding grounds.

Commissioner Whatcott made a motion to approve the opening of a temporary - part-time maintenance position to maintain and promote equestrian events for the East Millard Equestrian Park and have the position evaluated again in 6 months.

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

This position is currently being advertised in the local paper and will close on May14, 2010. Commissioner Smith, Commissioner Whatcott and Klint Penney, Maintenance Supervisor, will review the applications and report at the following commission meeting.

DISCUSSION AND POSSIBLE APPROVAL OF LAW ENFORCEMENT CONTRACT BETWEEN MILLARD COUNTY AND FILLMORE CITY AND BETWEEN MILLARD COUNTY AND DELTA CITY

Commissioner Smith said that some language changes are going to be made to paragraph 3.3 of each city's contract from a few years ago. The contract change would allow an adjustment to the compensation paid by the cities to the county, based on the regional consumer price index for the previous year.

The contract date will be from July 1 to June 30, which is based on the fiscal year of both cities. The contract price will never decrease, nor will it increase above 4% in any given year. Mayor Bunker is agreeable with this. Fillmore City and Delta City will discuss the language changes at its city council meetings.

Commissioner Smith made a motion to approve the Law Enforcement Contract between Millard County and Fillmore City and between Millard County and Delta City subject to approval of its respective city councils.

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

DISCUSSION AND POSSIBLE APPROVAL OF THE DISTRICT COURT CONTRACT FOR 2011

Clerk Norma Brunson said that the contract is basically the same as last year with adjustments made to all the contract sites. Her office received more of an allowance in expenses but received a cut in salary and benefits. They are cutting her office down from 2 full time employees to 1.08 employees, which will be about an \$18,000 decrease in salary and benefits.

Commissioner Whatcott made a motion to approve the District Court Contract for 2011.

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

PUBLIC INPUT

Russell Olsen, Auditor from Larson and Rosenberger, said that he and other auditors will be in the auditor's office until Thursday May 6. They would be happy to answer any questions and address any concerns the commissioners may have.

APPROVAL OF APRIL 20, 2010 COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held April 20, 2010 were presented for consideration and approval. Following review and consideration of minor corrections Commissioner Whatcott made a motion to approve the minutes of April 20, 2010, as corrected.

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

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

Commissioner Whatcott had a meeting with First Wind. They discussed Phase III and went over the proposed 68 windmills to be built; 62 will be placed in Millard County and 6 in Beaver County. It looks pretty promising what First Wind wants to do as long as they and Millard County can agree on a fair value for the use of county property. Overall it was a good event.

On April 28, Commissioners Whatcott and Smith met with County of Governments (COG) to discuss emergency procedures in the event of major catastrophes. It was beneficial though there was not much attendance due to the bad storm. A lady from St. George gave a presentation on how the flow of injuries would be handled and what would be used as alternative areas such as makeshift hospitals during a natural disaster. It was an eye opener involving CERT and there was a lot of good input.

Commissioner Whatcott worked with Auditor Grace trying to get the purchasing contract in place by taking bits and pieces of other counties' contracts that would be beneficial for our county

to use. It is currently a draft and will not be released until it is finalized.

Commissioner Smith said that this last week has been a very busy week. They have been trying to familiarize themselves with the things that Commissioner Walker had been involved in.

Commissioner Smith received a letter from Larsen and Rosenburger stating that they will be in the county for a week to work on the audit and would be willing to answer any questions.

OTHER BUSINESS

There was none.

AUDITOR'S REPORT

Auditor Grace received the executive reports from PEHP for the utilization of the county's health insurance benefits. It is on file in her office for review. There have been some changes with double insured employees which has been talked about in the past.

Auditor Grace presented the check edits of April 30, 2010 for the commissioners to review and sign.

Auditor Grace said that Clerk Brunson gave her an invoice that she had received from the State Library Division. The invoice is for an amendment on the current contract in the amount of \$465. Clerk Brunson later received a phone call informing her that the amount is incorrect and to hold off on paying the invoice. Commissioner Whatcott received flyers promoting the new bookmobile services but not the invoice. The County will wait to pay the invoice until a new one is received.

Auditor Grace asked Commissioner Smith if he had received word on the Jr. Livestock invoice? Commissioner Smith responded that he still needs to contact the person in charge informing them that they will need to submit invoices rather than get a lump sum.

Auditor Grace received the certificate of liability insurance for Pahvant Builders it will be filed with the jury room exit door contract.

POSSIBLE APPROVAL OF HARDSHIP ABATEMENT APPLICATIONS

There were none.

POSSIBLE BOARD OF EQUALIZATION (BOE) DISCUSSION AND OR ACTION

Auditor Grace reported that she has received all but the Topaz Museum annual re-certifications for exempt properties. Auditor Grace spoke with Jane Beckwith from Topaz Museum and she was supposed to come and speak with Auditor Grace about the properties. Auditor Grace

has not heard from her since the conversation and will attempt to contact her again.

TREASURER'S REPORT

Treasurer Hansen presented the month end report from April on the treasurer's financial collection and county finances total reconciliation between the auditor and the treasurer. He mentioned a few items from the reports that he would like to discuss in detail at a later date.

He said that he contacted Iron County and Beaver County and received Iron County's IPA contract today but has not received it from Beaver County. He spoke to Scott Albrecht, Beaver County Commission Assistant, who said that he would send it out in a letter.

Treasurer Hansen informed the commissioners of an action alert that he read in the paper regarding Harry Reid's collective bargaining bill.

Treasurer Hansen said that he received the final settlement on the AT&T Mobility state assessed appeal for the 2009 tax year. The settlement regarding the entities within Millard County came out to be an increase in value of approximately \$661, this corresponds to a total tax increase of about \$6.60. This amount is the total taxes that would be allocated between the four affected taxing areas. It was not felt to be in the best interests of the county to revise the billings and send them out again; the commissioners approved not sending them out again.

Commissioner Whatcott questioned a few items on the reports handed out by Treasurer Hansen. Treasurer Hansen responded to his questions.

OTHER

Commissioner Smith reported that West Millard Maintenance is in the process of leasing a tractor but is not sure of the terms of the lease. Previously it had a three year lease worked out with Atco. There are some questions and if the terms are not favorable the county will look somewhere else to lease a tractor.

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

There was none.

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 11:19 a.m..

WORK SESSION FOR ALL DEPARTMENT HEADS AND ELECTED OFFICIALS TO DISCUSS THE PURCHASING POLICY

A work session was held regarding the purchasing policy. No decisions were made. *A copy of this meeting in its entirety is on file for review at the Millard County Clerk's office.*

WORK SESSION TO REVIEW QUARTER END FINANCIALS

There was none.

Attest: _____

Approved: _____