

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 1st DAY OF FEBRUARY 2011
AT THE COURTHOUSE, FILLMORE, UTAH

PRESENT: Bart A. Whatcott. Chairperson
Daron P. Smith. Commissioner
James I. Withers. Commissioner

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

ALSO PRESENT: Cindy Gubler. UNEV
Georgia Hare University of Utah
Jeff Christensen Millard Care and Rehabilitation
Landon Kesler Citizen
Wayne Jackson, Debra Swafford, David Swafford, Glen Bradford, Bob Jones and
Terry Scottorn American Legion
Sheryl Dekker County Planner
Kevin Morris Recreation/Maintenance
Max Wood Recreation
Derrell Owens Building and Safety
Terri Cummings Recreation
Linda Gillmor MEDA
Deb Haveron Tourism
Robert Dekker County Sheriff
Paulette Staples. Sheriff's Office
Connie Hansen County Recorder
Stephen Jensen Road Department
Thayne Henrie Road Department
Richard Beckstrand IT
John Hansen County County Treasurer
Brandy Grace County County Auditor
Margene Stevens Assessor's 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:

PUBLIC WAS WELCOMED

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

OPENING STATEMENTS

Commissioner Whatcott asked if anyone had an opening statement to give. Commissioner Whatcott said that today is National Freedom Day. He read a paragraph describing National Freedom Day: "Each year on the first day of February, our country celebrates National Freedom Day in honor of a defining moment in American history. On February 1, 1865, President Lincoln signed the Thirteenth Amendment to the United States Constitution, abolishing the institution of slavery in America. The amendment, passed by Congress and signed by the president, would need ratification by 27 of the then 36 state legislatures before officially amending the Constitution."

Commissioner Withers said the invocation. Everyone stood and said the Pledge of Allegiance to the Flag.

RATIFY THE APPROVAL OF PURCHASING A WATER FILTER SYSTEM FOR THE GOLF COURSE IN THE AMOUNT OF \$20,781.42

Commissioner Smith made a motion to ratify the approval of purchasing a water filter system for the golf course in the amount of \$20,781.42. This amount will come out of the Capital Fund.

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

RATIFY THE APPROVAL OF PURCHASING AN AERATOR FOR THE GOLF COURSE IN THE AMOUNT OF \$19,671.93

Commissioner Smith explained that the county will purchase the aerator instead of leasing it. The cost for the purchase will come out of the Capital Fund.

Commissioner Smith made a motion to ratify the approval of purchasing an aerator for the golf course in the amount of \$19,671.93.

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

RATIFY SIGNING THE AGREEMENT BETWEEN MILLARD COUNTY AND BRANDON BARTHOLOMEW RE WAIVING ADMINISTRATIVE REMEDIES

Attorney Waddingham explained that this agreement was signed on January 14, 2011 and ratified on January 18, 2011. Since it was not an agenda item at the time of ratification, it would need to be ratified again today.

Commissioner Withers made a motion to ratify signing the waiver agreement between Millard County and Brandon Bartholomew.

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

DISCUSSION AND POSSIBLE APPOINTMENT OF RICHARD BECKSTRAND TO SERVE AS A JOHN HANCOCK TRUSTEE

Commissioner Withers made a motion to appoint Richard Beckstrand to serve as a John Hancock Trustee.

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

DISCLOSURE STATEMENTS

Disclosure statements were submitted for the following employees:

Debra Arnold
Janet Lindquist
Linda Clark Gillmor
Lynette H. Madsen
Stacy Dean
James Dean
Ben McDonald

The commission discussed each disclosure statement.

POSSIBLE ADOPTION OF RESOLUTION 11-02-01, A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MILLARD COUNTY, UTAH ADOPTING A COOPERATIVE AGREEMENT FOR UTAH STATE UNIVERSITY (USU) EXTENSION EDUCATIONAL WORK 2011

Commissioner Smith made a motion to adopt Resolution 11-02-01, a resolution of the Board of County Commissioners of Millard County, Utah adopting a cooperative agreement for USU Extension educational work.

Commissioner Withers SECONDED the motion. Clerk Brunson called for a roll call vote. Commissioner Withers voted YES. Commissioner Smith voted YES. Commissioner Whatcott voted YES. The voting was unanimous and the motion carried.

OTHER BUSINESS

Commissioner Withers said that he received a call from Mike Anderson regarding an easement that goes along a piece of property that ends up on Forest Service ground. They are

wondering if the county wants to have that as a county road to allow people access to the bridge and box canyon in that area. Commissioner Withers was unaware of the policy that would pertain to doing this.

Commissioner Smith said that the Oak City Mayor had some concerns of how to access those areas.

It was suggested that Commissioner Withers find out how big the easement is, if it would be wide enough to make into a road and if it would be a benefit to the county.

DISCUSSION AND POSSIBLE APPROVAL REGARDING MILLARD CARE AND REHABILITATION (MC&R) BONUS REPAYMENT - JEFF CHRISTENSEN

Jeff Christensen, Director of MC&R, said that MC&R had a pretty good year in 2010. He gave a rundown of MC&R's progress over the past year.

Mr. Christensen said that at the end of 2010 the county approved MC&R dividing \$25,000 between all its employees to say thank you for all their hard work. He is asking the commission to reimburse that \$25,000 back to MC&R.

Commissioner Smith said that the commissioners appreciate the MC&R board and that they involved the commission in the decision to spend the \$25,000.

Commissioner Smith asked if MC&R would have enough money to operate through the 2011 year if this money was given. Mr. Christensen said that there is \$125,000 set aside in a rainy day fund with the hopes of not having to use it.

Mr. Christensen said that last year they decided to turn off marketing and advertising anticipating a tight winter. This turned out to be a bad decision. They were having slippage for people choosing their facility. In about April they started an aggressive advertising campaign. By spending \$800 to \$1,000 a month on advertising they brought in \$10,000 in revenue and feel this is a great return on its investment.

Commissioner Smith made a motion to approve expending \$25,000 out of the 43-10-321 fund to MC&R.

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

DISCUSSION AND POSSIBLE APPROVAL REGARDING MILLARD CARE AND REHABILITATION MAKING A CAPITAL PURCHASE - JEFF CHRISTENSEN

Mr. Christensen presented a bid from Alarmlock Corp. He said that there are financial incentives from the state of Utah even given its current economic condition. The State uses the bed tax money to fund a lot of these incentives so its not all coming out of the General Fund.

If MC&R does a pretty good job of taking care of people and offering quality care they can go after those quality incentive monies.

For MC&R's facility it amounts to around \$25,000 allowing them to get an updated nurse call system component. This will allow the nurses and the aids to have a two way radio letting them know exactly what room the call light is coming from. This would save the nurses time from having to go to the nurses station and then back to the room. It will also record the amount of time it takes

for the nurse or aid to answer the call lights.

The second component of this would be the Wander Guard System. MC&R has 6 or 7 residents with acute alzheimers, final stages or second stages of alzheimers and are a huge risk to the facility if they were to walk out of the facility and were not found in a timely manner.

Mr. Christensen said that the nice thing about this system is that every penny will be reimbursable to them. It is just a matter of getting the capital to purchase the system. They then have two options. They could use the rest of the money for capital expenditures, which is part of what was set aside in the budget, or they could be reimbursed at a later date.

Commissioner Smith said that the county budgeted \$30,000 for capital purchases. MC&R is requesting \$21,742.30 of the \$30,000 budgeted which should be reimbursed by the incentive program.

Commissioner Smith made a motion to approve MC&R making a capital purchase for the Alarmlock system in the amount of \$21,742.30.

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

Commissioner Smith said that his motion is based on whether the auditor wants the money to come back to the county and the county distribute it to MC&R.

DISCUSSION AND POSSIBLE APPROVAL ON UNIVERSITY OF UTAH SCHOLARSHIPS FOR ALCOHOLISM AND OTHER DRUG DEPENDENCIES SUMMER SCHOOL - GEORGIA HARE

Georgia Hare is requesting \$560 for four scholarships to the University of Utah (U of U) Summer School for Alcoholism and Other Drug Dependencies. U of U will match one half of each person's registration and Millard County will cover the other half of the registration.

Commissioner Withers made a motion to approve funding 50% for four U of U scholarships for alcohol and other drug dependancies summer school in the amount of \$1,120.

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

UNEV CONSTRUCTION AND PROGRESS UPDATE

Cindy Gubler reported the following:

- Over all the project is going well.
- They have more than half of the pipe line in the ground.
- The terminals are just about built, they are at about 98% with the Iron County terminals and about 95% with the North Las Vegas terminals.

UNEV hit a snag with BLM on Spread 3 and 4 in Millard County. BLM suspended construction on Saturday because they said that UNEV was out of compliance. BLM said UNEV was out of compliance due to weather related problems. UNEV opened some of the right-of-ways,

causing ruts in the road and there were questions of how they were dealing with some of the top soil and subsoil.

UNEV met with BLM on Wednesday and found that there was a misunderstanding about how much right-of-way they could open up. UNEV thought they could do 10 miles per crew when in fact they could only use 10 miles per spread.

BLM thought that UNEV wasn't using certified straw, so UNEV is needing to get the certificates proving they are using certified straw.

UNEV has caused ruts in the roads so the contractors will meet with the BLM, who feel that there is a lack of respect from the crew members.

UNEV will go back and repair the roads when the project is all complete, which is stated in the road agreement with the county.

UNEV started work up at the sand dune reroute on the boarder of Juab County. BLM has allowed UNEV to do some signing and surveying.

UNEV is scheduled to meet with BLM on Thursday or Friday and hopefully the suspension will be lifted at that point.

UNEV thought they would be out of Millard County by the end of January but they are now unsure as to when they will be finished in Millard County.

Ms. Gubler said that UNEV will be having a safety meeting at the Crystal Inn in Cedar City, Utah on February 22, 2011, at 5:30 p.m and at the Dixie Center in St. George, Utah the next day at the same time. She invited some of the county's emergency responders: Howard Allred, Scott Corry, and Forrest Roper, along with the commissioners, to attend one of those safety meetings.

Commissioner Smith mentioned that some of the signs UNEV placed off the road by its yard is causing a safety hazard for traffic. Ms. Gubler said that she will have those signs moved.

DISCUSSION REGARDING THE ASSESSMENT ON GREG AND KAYLYNN KESLERS' PROPERTY - GREG AND KAYLYNN KESLER

Landon Kesler said that last year the Kesler property did not make it on the greenbelt. He said that their property has been on greenbelt for years but for some reason it was taken off.

Commissioner Whatcott explained the specifics of the state requirements of greenbelt, as well as, possible changes that could cause the property to be taken off green belt.

Mr. Kesler asked if there was anyway to go back and fix it for the last year. Commissioner Whatcott explained that the county could not go back and fix prior years.

Mr. Kesler also said that they have a lot of land that has been assessed by the county that the Keslers feel is inaccurate. Some of the property had water rights before they bought them but those properties no longer have water rights.

Commissioner Whatcott said that the assessor's office is working on getting property adjustments made. He encouraged Mr. Kesler to visit with Assessor Manis to get his property assessed correctly for future years.

It was also suggested that if a property owner knows of a change that would affect the property's value that person should make the assessor's office aware of those changes so that they

can properly assess the property.

OTHER BUSINESS CONTINUED

Members of the American Legion: Glen Bradford, Bob Jones, Dave Swafford, Debbie Swafford, Wayne Jackson and Terry Scottorn came to discuss bringing the American Legion Baseball League to Millard County. Mr. Jackson said that he is honored to have the other members of the Legion with him at this meeting.

The MHS baseball coach is interested in helping get this league in Millard County and so is the Recreation Department.

The Legion will sponsor its own teams by having an American Legion patch on each uniform. There is a tournament held each August in Utah which is usually a two to three day event with double elimination.

The American Legion Baseball consists of highschool aged kids.

The Legion's baseball commissioner is trying to get the American Legion Baseball World Series brought to Utah.

There is a coach from Moab who would like to come help Millard County get started with the league and also to get teams for Richfield, Utah and surrounding areas.

Mr. Jackson said that the legion is setting up the first Millard County Sons of American Legion at 5:00 p.m. tonight and invited the commissioners to attend. They will be swearing in Brandon Bartholomew, Eben Leatham, John Beckwith, James Dearden and Richard Dearden.

Mr. Bradford said that the legion, as a group, would like to say thank you to Mr. Jackson and the commissioners for having them today. He said that they enjoy doing what they do. They are a volunteer force and their emphasis is taking care of the veterans, the widows of veterans and their children within the communities.

Commissioner Smith said that there were a few questions regarding the purchase of the bleachers and the covered stalls for the fairgrounds in Delta, Utah and how that money would be paid back to the county.

Kevin Morris put together a list of the events for this year and events projected for the next year along with the revenue that will hopefully be brought in from those events.

The payback will be generated over the next five years to recover the costs. That does not include the money spent in the county by those who attend the events.

Commissioner Smith said that Kevin Morris is interested in purchasing some chutes that will be used for the little britches rodeo and the high school rodeo. Mr. Morris has enough in his budget to purchase three of the five chutes and is wondering if the county has the funding to purchase the other two chutes.

Commissioner Smith said that over the past few years the county has been trying to develop an oval race track. There are a few Millard County Residents who would be willing to put up some money to finish the oval track by adding a fence and a concrete rail, but they would need some

sponsors to get started. They are wanting to hold 4 or 5 races a year in Millard County and are willing to rent the track from the county once it is finished to hold those events. They will be organized and will carry their own insurance.

If the county puts money towards this it would require an agreement be in place so the money would go back into capital.

Commissioner Withers presented the commission with a list of names to consider for possible appointments to the Tourism Committee.

Commissioner Withers said that Tony Anderson is stepping down from the Weed Board and will need to be replaced.

Attorney Waddingham said that First Wind will need to renew its irrevocable letter of credit which terminates February 28, 2011.

Attorney Waddingham presented a release of claim settlement agreement regarding William David Jackson. It was signed by Mr. Jackson and his attorney and needs to be signed by the commission.

MILLARD COUNTY TREASURER'S QUARTERLY REPORT

Commissioner Smith made a motion to table the Millard County Treasurer's Quarterly Report until February 15, 2011.

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

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

On January 19, 2011, Commissioners Withers and Whatcott met with First Wind to discuss its assessment issues and taxing values.

Commissioners Withers and Smith attended a mental health meeting in Richfield, Utah.

On January 25, 2011, Commissioner Withers met with Max Wood to discuss concerns with the video machines at the swimming pool. They decided to remove those video machines from the swimming pool.

On January 26, 2011, Commissioners Withers, Smith and Whatcott attended a preliminary construction meeting in Delta, Utah with Magnum Gas Storage.

On January 27, 2011, Commissioner Withers met with Deb Haveron regarding her security concerns for the Justice Court office in Fillmore.

Commissioner Withers met with some people regarding the proposed racetrack at the fair

grounds in Delta.

Commissioners Smith and Whatcott and Treasurer John Hansen attended a Utah Association of Counties (UAC) Board meeting in Salt Lake City, Utah.

Commissioner Smith attended a Wellness Committee meeting. They discussed the \$100.00 incentive that is available for Millard County employees if they participated in a wellness program with Healthy Utah. It is required that in order to receive the \$100.00 incentive for this quarter one must do one of the quarterly activities. Healthy Utah offers three webinars and an activity for the employees to participate in to meet that requirement. Healthy Utah will then send an email showing the county who participated in those activities at the end of the quarter.

On January 28, 2011 Commissioners Smith and Whatcott attended the Rural Caucus breakfast. They attended the Law and Justice Appropriation Subcommittee. At that meeting they lobbied all the members of that committee to have Millard County removed from the proposed list of district courts being cut. They stated the importance of having the district courts open. The Millard County Sheriff's Office would have to transport about 40 inmates a week. Millard County would have to provide the deputies and the vehicles. That is not an expense which the county should have to pay. The subcommittee voted to leave everyone on the list, including Millard County. The commission will continue to lobby the subcommittee.

On January 28, 2011 and January 29, 2011, Commissioners Whatcott and Smith, along with Sheryl Dekker, County Planner, and Robyn Smith, Planning and Zoning Chairman, attended the War on Rural America Conference which was put on by Fred Grant Kelly in Salt Lake City, Utah.

Commissioner Smith said that it was really good information about how to deal with federal agencies like the BLM and the Department of Interior, under their re-inventory of land. A lot of the counties in the state of Utah feel that this is above and beyond what the Department of Interior should do and they are opposed to that process.

Commissioner Smith said that Jim Nickle passed away. The commission would like to acknowledge him. Mr. Nickle served on a number of county boards over the years as a volunteer. Mr. Nickle did a great job and was a great man and a great citizen.

Commissioner Whatcott attended a meeting to discuss the possible closure of the State House Museum and what can be done to keep it open.

Commissioner Whatcott met with Mark Ward, UAC Attorney, to discuss Commissioner Whatcott's appointment to the Public Lands Committee, as chairman.

Commissioner Whatcott met with Randy Brunson to review the remodel work being done on the Adult Probation and Parole offices in the Public Safety building. The project is now complete.

Commissioner Whatcott attended the Council of Governments (COG) meeting held in Delta,

Utah. One of the main reasons to have the meeting was to appoint a person to be a committee member to help with the nomination process of a Fillmore City Justice Court Judge. Virginia Josee was chosen and has accepted the appointment to serve on that board. The county will now have to appoint a second person to that committee.

They also went through different issues raised by the city mayors.

Attorney Waddingham wanted to make the commission aware that he has been getting a lot of phone calls regarding abused dogs. He also received an email from the Humane Society suggesting the county adopt an ordinance to limit the number of dogs one residence can have.

PUBLIC INPUT

There was none.

Commissioner Smith made a motion to recess for lunch.

Commissioner Withers SECONDED the motion. The voting was unanimous and the motion carried. The meeting recessed at 12:23 p.m..

NOON LUNCH BREAK

Commissioner Withers made a motion to reconvene the meeting.

Commissioner Smith SECONDED the motion. The voting was unanimous and the motion carried. The meeting reconvened at 1:50 p.m..

AUDITOR'S REPORT

Auditor Grace presented the check edit of January 31, 2011 for the commissioners to review and sign.

Auditor Grace informed the commissioners that the mileage reimbursement rate is now \$0.51 and the State's per diem has changed. The County's per diem is currently \$11.00 for breakfast, \$11.00 for lunch and \$24.00 for dinner. The State's per diem is \$7.00 for breakfast, \$11.00 for lunch, \$23.00 for dinner and \$5.00 for incidentals. The commission decided to keep the county's current per diem and increase mileage reimbursement to \$0.51. Auditor Grace will send out a memo informing each department.

Auditor Grace received an invoice from the State Library Division for bookmobile services for July 1, 2010 to December 31, 2010 in the amount of \$58,171.00, which is half of last years total.

Auditor Grace received the annual certification for public safety positions from Utah Retirement Systems. Every year they have to certify positions in the sheriff's office that qualify for public safety retirement including: sheriff, deputy sheriff, and deputy corrections.

Auditor Grace informed the commissioners of the Workers' Compensation fund audit that

took place in her office on Monday, January 31, 2011. She explained that all contracts, especially janitorial contracts, need to provide proof of workers' compensation insurance or a certificate of waiver.

The commission may pay the workers' compensation premium for last year on current contracts that don't have coverage, but will require proof of workers' compensation with all contracts in the future.

Auditor Grace said that she still has the RFP for the ambulance building construction. She said that the commission needs to make some decisions and get moving with that.

Commissioner Smith said that they will get a list of Six County Engineers and contact them to see if they are interested in placing a bid.

Commissioner Whatcott said that he wants to discuss this further at a meeting later today.

Auditor Grace said that Jer'E Brinkerhoff informed her that there is a pile of scrap metal by the indoor arena in Fillmore. Auditor Grace asked what the commission wants done with it. The decision was to sell it at the surplus auction. If it is not sold, the county will bid it out.

POSSIBLE APPROVAL OF HARDSHIP ABATEMENT APPLICATIONS

There were none.

POSSIBLE BOARD OF EQUALIZATION (BOE) DISCUSSION AND OR ACTION

There was none.

TREASURER'S REPORT

Treasurer Hansen gave the commissioners a letter from Pat Manis regarding Deer Valley Partnership property taxes.

WORK SESSION WITH ALL ELECTED OFFICIALS AND DEPARTMENT HEADS TO DISCUSS THE COMPLETION OF THE STEP AND GRADE SCALE, COUNTY GOALS AND VALUES AND POLICY CHANGES

A work session was held with all elected officials and department heads to discuss the completion of the step and grade scale, county goals and values and policy changes. *This meeting was recorded in its entirety and is available for review at the clerk's office.*

APPROVAL OF JANUARY 18, 2011 COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held January 18, 2011 were presented for consideration and approval. Following review and consideration of minor corrections Commissioner Withers made a motion to approve the minutes of January 18, 2011, as corrected.

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

carried.

OTHER

Commissioner Smith said that the county was able to send the Title III check back to the State and have the State reissue the check to the Fire Service District.

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

Commissioner Withers 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. Those present in the closed session were: Commissioner Bart A. Whatcott, Commissioner Daron P. Smith, Commissioner James I. Withers, Attorney Richard Waddingham, Clerk Norma Brunson and Deputy Clerk Marki Rowley.

After the closed executive session the regular meeting reconvened at 4:13 p.m.

WHERE UPON THE MEETING ADJOURNED

Commissioner Withers made a motion to adjourn the meeting.

Commissioner Smith SECONDED the motion. The voting was unanimous and the meeting adjourned at 4:14 p.m.

Attest: _____

Approved: _____