

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 17th DAY OF JANUARY 2012
AT THE COURTHOUSE, FILLMORE, UTAH

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

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

ALSO PRESENT: John Hansen Treasurer
Dean Draper Chronicle Progress
Forrest Roper Sheriff's Office/EMS
UnaRae Taylor..... EMS
Sheryl Dekker Planning and Zoning
Linda Gillmor Millard County Economic Development
Shirley Westenskow SOS Staffing
Bonnie Gehre Auditor's Office
John Hansen Treasurer's Office

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 Withers to the public and Commission members.

OPENING STATEMENTS

Commissioner Withers 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.

APPROVAL OF JANUARY 3, 2012 COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held January 3, 2012 were presented for consideration and approval. Commissioner Whatcott made a motion to approve the minutes of January 3, 2012, as presented.

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

AUDITOR'S REPORT

Chief Deputy Auditor Gehre presented an invoice for the Schools Institutional and Trust Lands Administration (SITLA) admin fees, the contract for the county seat program, and the 2012 designation of public safety positions from Utah Retirement Systems for the commission to review and approve.

Commissioner Smith said that the golf course is going to start the process to bid for a green mower which has already been budgeted for. There are three entities that provide this type of a mower. They will contact these three entities and get the specs. They will not advertise in the paper because they know who can provide the equipment.

POSSIBLE APPROVAL OF HARDSHIP ABATEMENT APPLICATIONS

There was none.

POSSIBLE BOARD OF EQUALIZATION (BOE) DISCUSSION AND OR ACTION

There was none.

TREASURER'S REPORT

Treasurer Hansen said that he has three different bankruptcy notices; one was for Davis Freight whose taxes have been delinquent since 2003. He asked Attorney Waddingham to discuss them with him at a later time.

Treasurer Hansen said that each year he has the responsibility to provide the school district with a list of the 10 highest tax payers in the county. He said that he started a work sheet and asked if the commissioners would take some time to go over the list at a later time.

Treasurer Hansen said that at an earlier commission meeting the commission discussed the Deseret Fairgrounds and whether there were restrictions on the possibility of selling some of the property as inquired to by Laurel Eliason. He said that Recorder Hansen pulled the deed that Millard County conveyed to The Deseret Recreation Association. There is a clause that indicates that the property has to be used for recreation purposes. If it is not used for recreation purposes it will revert back to Millard County. They would not be able to sell it but only use it as is. The commission will discuss this further and respond back to Ms. Eliason.

Treasurer Hansen questioned how Utah Counties Indemnity Pool not being an insurance company will affect insurance coverage for county officials. The commission will discuss this

further at a later time.

OTHER

On January 4, 2012, Commissioner Whatcott attended a Six County AOG meeting in Richfield, Utah.

On January 5, 2012, Commissioner Whatcott met with the contractor on the ambulance building. They discussed the ambulance plans, and reviewed the paint colors and tile selections.

On January 5, 2012, Commissioner Whatcott met with Adam Brit, GIS, and Ted Dearden, to discuss changes made to the new Millard County ATV travel map that will be distributed to recreation users.

On January 5, 2012, Commissioner Whatcott attended the National ATV Jamboree Planning meeting at the Fillmore BLM Field Office. They reviewed BLM's involvement in the ATV Jamboree with the local Field Office Manager, Mike Gates. They also made the initial plans to host the Jamboree event in coordination with Millard County Tourism.

On January 9, 2012, Commissioner Whatcott attended a work meeting with elected officials at the Courthouse to discuss maintenance issues, upcoming events and issues with the building.

On January 9, 2012, Commissioner Whatcott attended a meeting with Mark Cram, who is the account executive over energy and environmental solution with Siemens, located in Sandy, Utah. They discussed possible energy savings to several county owned buildings in the Delta area.

On January 10, 2012, Commissioner Whatcott met with Dr. Howard Quackenbush to discuss a possible agreement to provide public health facilities in the Delta area.

On January 10, 2012, Commissioner Whatcott attended a Local Emergency Planning Committee meeting in Delta. A presentation was given by Kern River regarding pipeline safety and their approved application to increase pressure in the Kern River pipeline.

On January 11, 2012, Commissioner Whatcott attended the Paiute Trail Committee meeting in Richfield, UT. He presented the new ATV trail map for its review. They also discussed how to improve the Paiute trail and impacts that it brings to the local merchants.

On January 11, 2012, Commissioner Whatcott attended a coordination meeting with Bruce Costa, Six County Public Health Executive Director. Mr. Costa will be assisting Commissioner Whatcott as he takes over as the Six County Public Health Committee Chairman.

On January 12, 2012, Commissioner Whatcott reviewed the ambulance building plans regarding paint work.

POSSIBLE APPROVAL OF COMMISSIONER DUTIES FOR 2012

The commissioners discussed the commission duties and who would be over what departments.

Commissioner Smith made a motion to approve the list of Commissioners Duties for the year 2012. Commissioner Whatcott SECONDED the motion. The voting was unanimous and the motion carried. See attachment.

DISCLOSURE STATEMENTS

Disclosure Statements were submitted from the following employees:

- Stacey Dean
- Deb Arnold
- Kenneth Fowles
- Justin Taylor
- Linda Gillmor
- Theo B. Berry
- Cindy L. Staples
- Lindsay Mitchell
- Irene Scott
- Barbara Clark

PAYMENT IN LIEU OF TAXES (PILT) PAYMENT - DOUGLAS MESSERLY, DIVISION OF WILDLIFE (DWR) REGIONAL SUPERVISOR

Doug Messerly, DWR Supervisor, presented the PILT payment to the commissioners in the amount of \$9,266.74. He said that there are some big changes coming to the annual deer hunt in the near future.

Commissioner Whatcott questioned the closure of a road near the Indian Reservation in Kanosh. Mr. Messerly said that some areas have seasonal closures. The roads that have been closed were closed a while ago. He said that he is unaware of a road closure in Kanosh, but he will look into it to see if it has been closed and if so, why. He left his business card for anyone who has any questions to be able to contact him.

Commissioner Smith asked about the status of the Pahvant Elk Plan. Mr. Messerly said that they are redoing the plans and those plans will come out in May through a public process. He said that the process is where input is gathered from a diverse group. A committee will come up with recommendations with regards to the Elk Plan. The division will then take those recommendations and incorporate as many as they can and place them on the internet. A public hearing will be held in May and the Wild Life Board will finalize the plans in June. The committee has finished its study but the division has not yet formulated its recommendation.

Mr. Messerly recommended that the Commissioners attend the upcoming public meeting so

they can share their thoughts.

POSSIBLE ADOPTION OF RESOLUTION 12-01-17, A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MILLARD COUNTY, UTAH, APPOINTING TRUSTEES TO THE BOARDS OF MILLARD COUNTY DRAINAGE DISTRICT 1 THROUGH DRAINAGE DISTRICT 4

Attorney Waddingham explained that each of the four Drainage Districts will have an individual appointed by the Commission to serve a four year term as trustee for his/her respective district. In addition thereto, the Commissioners will appoint an individual to serve a one year term as trustee in Drainage District 3 to fill the remaining term of a trustee who has resigned, and they will also appoint an individual to serve a two year term as trustee in Drainage District 4 to fill the remaining term for a trustee who has resigned. Not all of the trustees have been chosen at this time to fill the vacancies.

Attorney Waddingham said that the law states that the current trustees will serve until their successors are duly appointed and qualified. The Commissioners decided to wait and adopt the Resolution after names have been presented to fill all of the vacancies.

Commissioner Smith made a motion to table the adoption of Resolution 12-01-17, a resolution of the Board of County Commissioners of Millard County, Utah, appointing trustees to the boards of Millard County Drainage District 1 through Drainage District 4 until the next commission meeting.

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

POSSIBLE APPROVAL OF THE AGREEMENT BETWEEN MILLARD COUNTY AND THE COUNTY SEAT PROGRAM

Commissioner Withers explained that this agreement calls for quarterly instalments of \$9,945.39 with a grand total of \$39,781.54.

Commissioner Whatcott made a motion to approve the agreement between Millard County and the County Seat Program.

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

Commissioner Whatcott said that the County Seat's first program will be dealing with wilderness areas. He thought that it would be a benefit to help educate the citizens on the wilderness study areas.

OPENING OF THE JANITORIAL CONTRACT BIDS

Chief Deputy Auditor Gehre opened the following bids:

Bid 101: General cleaning of the Fillmore church softball field's restroom and concession area, the Fillmore indoor arena and the Fillmore race track:

- Matt and Dianna Kesler
 - October through March \$250.00 a month
 - April through September \$500 a month

- Tamera Lane
 - October through March \$200.00 a month
 - April through September \$400 a month

Bid 102: Cleaning of the East Millard Sheriff's Posse building:

- Dixie Funk
 - \$50.00 a month

- Vance Beckstead
 - \$80 a month

- Tamera Lane
 - \$100.00 a month

- Matt and Dianna Kesler
 - \$250.00 a month

The commissioners will go through the information and see which bid meets all the requirements.

Commissioner Smith made a motion to accept the bids as submitted, and to accept the lowest bid for Contract 101, submitted by Tamera Lane in the amount of \$200.00 for the months of October through March and \$400.00 for the months of April through September. Also, to accept the lowest bid for Contract 102 submitted by Dixie Funk in the amount of \$50.00 a month. Both bids are accepted subject to meeting all the requirements.

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

DISCUSSION AND POSSIBLE APPROVAL OF GORDON CHATLAND AND GARY WALKER TO SERVE ANOTHER THREE YEAR TERM ON THE MILLARD COUNTY PLANNING COMMISSION

Commissioner Smith made a motion to approve Gordon Chatland and Gary Walker to each serve another three year term on the Millard County Planning Commission.

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

DISCUSSION AND POSSIBLE APPROVAL OF EMT WAGE INCREASE - FORREST ROPER

Captain Forrest Roper presented the commissioners with a proposal for an increase in EMT wages. He said that the EMTs carry the pager 24/7 and are not adequately compensated for doing so.

When there is an intermediate run to Provo the pay is \$65.00. Roughly 31% of the runs are transfers to Provo or the Wasatch Front. Captain Roper's goal is to make it a little more worth while for retention and recruitment. Carrying the pager really impacts the EMTs' personal and family lives.

There are weeks where there are no runs and then some weeks there is an abundance of runs. The EMTs do not get compensation to make it worth their while to carry the pager and not go on runs. He said that the slight increase really doesn't make it worth their while. He said that longevity plays a key in the quality of EMTs.

There are requirements on the intermediate level. There has to be an intermediate on every single route or by law the ambulance doesn't move. The level and certification with intermediate is worth a little more than the basic.

Captain Roper said this increase percentage is a little jump from the current \$0.50 an hour they are getting for carrying the pager. The auditor's office is unable to do anything on this increase without the commissioners' approval.

The commissioners said that they like the way Captain Roper did the scale for the wage increase.

Commissioner Whatcott said that he has been approached by several citizens who have expressed that they are in favor of the wage increase for the EMTs.

The EMTs are a priority for the care of the citizens and this increase is a step in the right direction.

Commissioner Smith made a motion to approve the pay scale for EMTs as presented, and to incorporate it in the Millard County pay plan effective January 17, 2012, as long as it is consistent with what has been done in the past.

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

Chief Deputy Auditor Gehre clarified that anytime there is a pay increase the process will follow the same requirements as a regular pay increase, including doing a biannual on all EMTs who are in line for a pay increase to determine if the pay rate is justified. Captain Roper said that an evaluation will be done and it will be given to the auditor's office.

DISCUSSION ON SNOW COLLEGE TECHNICAL EDUCATION ALIGNMENT TO MILLARD COUNTY INDUSTRIES - LINDA GILLMOR

Linda Gillmor, Millard Economic Development Association (MEDA) Director, presented a handout with information she went over with the commissioners. She explained that this program was started due to the Business Expansion and Retention (BEAR) program. The State and the

Department of Workforce Services (DWS) found that both entities were trying to do the same thing. They wanted to gain access to this data and to get more of the employee and the employment needs data. They started focusing specifically on employment skills and started to see a pattern of need for certain skills in the local industries.

The State teamed up with Higher Education, the DWS and the Governor's Office of Economic Development and created the Utah Cluster Acceleration Partnership (UCAP).

After Snow College informed Ms. Gillmor of the program and what it entailed, Millard County decided to invite Snow College and other community members to attend the MEDA Board meeting, which resulted in the largest UCAP cluster meeting to start with and then held two more cluster meetings with its MEDA meetings.

Ms. Gillmor said that there is a list of things they hope to accomplish. She said that the Six County Economic Development Directors, who make up the Technical Committee under the Six County Association of Governments, got together and did some regional planning. She explained that education and training is the first priority, regional marketing is the second priority, and land use is the third priority.

Ms. Gillmor said that they have continued the meetings. Snow College is willing to bring a significant part of its technical department degree over to the Technical College in Delta. She went over the curriculum that is suggested. She said that this will be a two year degree requirement but will be geared around the county's industries. This should start next September at the Technical College in Delta.

Ms. Gillmor said that these industries in Millard County are going to hire locally first. She also said that they are working with businesses to set up internships for people right out of highschool.

Ms. Gillmor said that Peak Minerals will have all its full-time and part-time employees go through SOS Staffing.

Shirly Westenskow, MEDA Board Chairperson and SOS Staffing, said that they are already keeping a list of people who are interested in the upcoming work and their resumes.

The school board is also being very supportive of this program. They are also getting Vocational Rehab and DWS to get together to work better as a team on employing people. They are coordinating with all the agencies, the region and the state.

Ms. Gillmor reminded the Commissioners of the Legislative Day on January 27, 2012 and informed them of some of the things that will go on there.

REVIEW AND POSSIBLE APPROVAL OF A NON PLAT SUBDIVISION FOR THE PURPOSE OF BUILDING A SINGLE FAMILY DWELLING LOCATED AT 3180 W 3500 N DELTA, UT. CADE AND SHAI RIDING - APPLICANTS. APPLICATION #Z-2011-020. 2 ACRES

Sheryl Dekker said that the Ridings want to build a home on Ms. Riding's parents property by breaking out two acres. The Planning Commission met on January 4, 2012 and have made a favorable recommendation to the County Commissioners to finish this process.

Commissioner Smith made a motion to approve a non plat subdivision for the purpose of building a single family dwelling located at 3180 W 3500 N Delta, UT for Cade and Shai Riding and

to authorize the chairperson to sign the required certificate.

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

Commissioner Smith said that the Ridings will need one acre foot of water for the property and the water transferred into their names before they will be issued a building permit. Ms. Dekker said that the permit was also contingent on the approval of the well.

REVIEW AND POSSIBLE APPROVAL OF A NON PLAT SUBDIVISION FOR THE PURPOSE OF DIVIDING PROPERTY INTO FOUR PARCELS (TWO 40-ACRE AND TWO TWENTY-ACRE) FOR PROPERTY LOCATED 4 MILES NORTH OF HOLDEN AND 3/4 OF A MILE EAST OF 1-15. JOSEPH ZILFI - APPLICANT. APPLICATION #Z-2011-022

Sheryl Dekker said that Mr. Zilfi is trying to divide this property for his heirs. He does not have any plans for this property or to change its current use. The Planning and Zoning Commission met on January 4, 2012 and forwarded a favorable recommendation.

Commissioner Whatcott made a motion to approve a non plat subdivision for the purpose of dividing property into four parcels (two 40-acre and two twenty-acre) for property located 4 miles North of Holden and 3/4 of a mile East of 1-15. Joseph Zilfi - Applicant, and to authorize the chairperson to sign the certificate.

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

Commissioner Smith said that the property is in a RF20 zone and meets the 20 acre zone requirement. Mr. Zilfi has no intention of building on the property or changing the use of the property and will continue to only use it for grazing.

OTHER BUSINESS

Ms. Dekker said that the Planning Commission sent Milford Wind a letter signed by the County Commission Chair which set forth the conditional use permit (CUP) conditions, but Milford Wind asked to have it reissued in CUP form. This has already been approved and just needs to be signed.

Commissioner Smith said that the County has been working on an agreement with PM Promotions on a possible dirt race track contract. The commissioners and Attorney Waddingham went over the contract. Attorney Waddingham said that he will meet with Kevin Morris and possibly make some changes to the contract.

Commissioner Whatcott said that he would like to discuss the issue regarding Leo Stott's property which was discussed at a previous commission meeting. The commissioners were supposed to get back to Mr. Stott regarding a decision. Commissioner Smith suggested that the commission send a letter to Mr. Stott regarding this issue.

Commissioner Withers said that at the last commission meeting it was discussed to send a letter to IHC regarding the termination agreement for long term care. Commissioner Smith put a letter together for the commissioners to sign and it will be mailed to IHC.

Commissioner Withers said that he received a phone call from several vendors in Delta regarding a contractor who worked for UNEV Pipeline that left town and did not pay his bills. Commissioner Withers contacted Cindy Gubler with UNEV, she said that she will take care of it if the vendors would send in invoices of what the contractor owed them. He said that he knows that part of it has been taken care of and he assumes the rest will be taken care of as well. He said that he appreciates Ms. Gubler for stepping up and taking care of that.

Commissioner Smith said that he was contacted by some residents who were associated with the sportsmen of wildlife and were interested in an ordinance that would make spotlighting predators at night legal. It's an effort to bring back mule deer. They proposed to have a county license that would permit them to spotlight predators at night, by calling in dispatch and informing them of their location. Attorney Waddingham said that it used to be that you needed the land owner's permission and had to notify the sheriff's office of the location. This will be discussed further at the next commission meeting.

The Commissioners discussed possibly removing the Commission Report from the agenda. Dean Draper, Chronicle Progress, gave his opinions on whether the commission should keep the Commission Report on the agenda or not. It was decided to keep it on the agenda.

Commissioner Withers asked if the issues with the GBS agreement ever got straightened out. Commissioner Smith said that he was informed by Auditor Grace that it was taken care of.

Attorney Waddingham went over some of the changes that he made to the GBS contract.

PUBLIC INPUT

There was none.

POSSIBLE REVIEW OF COUNTY POLICIES AND CONTRACTS

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 Whatcott made a motion to adjourn the meeting.

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

adjourned at 12:13 p.m..

Attest: _____

Approved: _____

**2012 Assignment of Duties for Millard County Commissioners
as of January 2012**

Commissioner Smith	Commissioner Whatcott	Commissioner Withers, Chairman
Building Dept Long Term Care West Millard County Maintenance Mosquito Abatement District Planning & Zoning Six County Mental Health Southern Region RAC / Predator Control Wellness Committee Miss Millard Risk Management / Insurance Sunset View Golf Course Water Conservancy District <u>State & Natl Committees & Boards</u> NACO Agriculture & Rural Affairs Steering Committee UAC Joint Highway Committee WIR Board	East Millard Maintenance East Millard County Recreation Justice Court Economic Development Fire District Board GIS Department LEPC (Local Emergency Planning Committee) Millard County Fair East Senior Citizens Six County AOG Six County Public Health Television Tourism Museum East Soil Conservation <u>State & Natl Committees & Boards</u> Environmental Energy Land Use UAC Public Lands Committee-Chair Constitutional Defense Council (CDC) Board Six County Public Health Chairman	Road Department Special Service District # 8 Drainage Districts USU Extension Service Cemetery Districts Days of the Old West Rodeo Housing Authority Landfill / Solid Waste Millard County Bookmobile Millard County Jr. Livestock Show Weed Board West Senior Citizens West Soil Conservation Districts West Millard Recreation <u>State & Natl Committees & Boards</u> UAC Joint Highway Committee

<p align="center">Joint Responsibilities:</p> Board of Adjustments Boundary Commission Board of Equalization Chambers of Commerce County Comprehensive Plan Grazing Board Human Resources Public Lands Snake Valley Water Issues State and Federal Agencies Utah State Legislature	<p align="center">Commission Meeting Dates for 2012</p> <p align="center">Commission Meetings Begin at 10:00 a.m.</p> <table> <tr> <td>January 3, 17</td> <td>July 3, 17</td> </tr> <tr> <td>February 7, 21</td> <td>August 7, 21</td> </tr> <tr> <td>March 6, 20</td> <td>September 4, 18</td> </tr> <tr> <td>April 3, 17</td> <td>October 2, 16</td> </tr> <tr> <td>May 1, 15</td> <td>November 6, 20</td> </tr> <tr> <td>June 5, 19</td> <td>December 4, 18</td> </tr> </table>	January 3, 17	July 3, 17	February 7, 21	August 7, 21	March 6, 20	September 4, 18	April 3, 17	October 2, 16	May 1, 15	November 6, 20	June 5, 19	December 4, 18
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