

MINUTES OF BOARD OF COUNTY COMMISSIONERS  
MILLARD COUNTY THE 21<sup>st</sup> of MARCH 2005  
AT THE COURTHOUSE, FILLMORE, UTAH

PRESENT: John C. Cooper . . . . . Chairman  
Daron P. Smith. . . . . Commissioner  
Kathy Y. Walker . . . . . Commissioner  
  
LeRay Jackson . . . . . County Attorney  
Norma Brunson . . . . . County Clerk  
Janice Robins. . . . . Deputy County Clerk

PURSUANT TO AN AGENDA WHICH HERETOFORE HAD BEEN PROVIDED TO each member of the governing body, the local news and located on the front and back doors of the County Courthouse as required by law the following proceedings were had.

COORDINATION SESSION

The Commissioners scheduled events for the months of March and April 2005.

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

Commissioner Cooper asked if anyone had an opening statement to give? Commission Secretary Janice Robins said the invocation. Everyone stood and said the Pledge of Allegiance to the Flag.

FOLLOW UP ACTION ITEMS FROM MINUTES OF MARCH 14, 2005

There were none.

APPROVAL OF THE AMENDED MINUTES OF MARCH 14, 2005

Commissioner Smith made a motion to approve the amended minutes of March 14, 2005. Commissioner Walker SECONDED. The voting was unanimous. The motion carried.

AUDITORS REPORT

Auditor Brandy Grace gave the Commissioners various invoices to review and approve for

payment through the Auditor's Office.

Auditor Grace gave the Commissioners the Check Edit Report of March 18, 2005 to review and sign. The Check Edit Report was signed by the Commissioners.

#### MAUREEN CASPER - UPDATE FROM SENATOR HATCH'S OFFICE

Maureen Casper was not able to attend the meeting.

#### KENTON CALL - USDA FOREST SERVICE FOREST PLAN REVISION

Kenton Call, USDA Forest Service gave the Commissioners a copy of a the Forest Plan to review. Mr. Call said that there are three geographic locations in Millard County, the East Pahvant, West Pahvant and Oak Creek Mountain. Changes and refinements to the draft are being done as needed. The Forest Service's process and the requirements for public involvement, notification and comments are more flexible than ever before. The Committee's work meeting will be on April 14, 2005 at Snow College South in Richfield, Utah from 10:00 a.m. to 2:00 p.m. and public comment is encouraged.

#### RATIFY THE MOTION TO MAKE REVISIONS TO MILLARD COUNTY POLICIES AND PROCEDURES MANUAL

Commissioner Walker made a motion to ratify the revisions to the Millard County Policies and Procedures Manual in Section IX - **Compensation**. Also, approval for changes to the **Policy on Opening Statements in County Meetings**, the **Policy on Donations or Contributions**, and the **Policy on Indigent Death Expenditures**. Commissioner Smith **SECONDED**. The voting was unanimous. The motion carried.

#### REVIEW AND POSSIBLE APPROVAL OF AGREEMENTS BETWEEN MILLARD COUNTY AND USDA FOREST SERVICE ON MAGCHLORIDE AND ROAD IMPROVEMENTS

Commissioner Smith said he has reviewed the two agreements that District Ranger Robert Gardner USDA Forest Service brought to Commission meeting last week and he recommends the agreements be signed.

Commissioner Smith made a motion to sign the agreement between Millard County and USDA Forest Service for some road maintenance for \$13,140.00 and dust control for \$37,442.25. Commissioner Walker **SECONDED**. The voting was unanimous. The motion carried. The two copies of the document were signed and were given to Ranger Gardner who will provide a copy to Millard County after it is signed by USDA Forest Service.

#### REVIEW AND POSSIBLE APPROVAL OF AN AGREEMENT BETWEEN MILLARD COUNTY AND UTAH STATE PARKS AND RECREATION

Attorney LeRay Jackson has reviewed the agreement and said it is the same type of agreement that has been signed in years past and he recommended the Commissioners sign the agreement.

Commissioner Smith made a motion to sign the agreement between Millard County and Utah State Parks and Recreation. Commissioner Walker SECONDED. The voting was unanimous. The motion carried. The agreement will be given to Max Wood and a copy will be on file in the Clerk's Office.

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

All the Commissioners attended the Comprehensive Land Use Plan meeting on March 15, 2005 in Delta, Utah. The meeting was very informative and there was good discussion from the board members. Discussion included how the WSA's were set up in Millard County by the representative from the BLM prior to IPP coming into county. White Pine County Commissioner Perea talked about the proposed water line going to White Pine County.

The county leased a school bus and took a tour of the Cosmic Array Telescope building on the west desert. Commissioner Smith reported that it was an interesting tour with thirty people attending. Thanks were given to Kai Martens and Bob for their help with the tour.

That evening the Commissioners traveled to a water meeting at the West Desert High School in Trout Creek. There were approximately eighty-five (85) residents present. State Water Engineer Jerry Olds presented facts on the proposed pipeline in Spring Valley to provide water to Las Vegas, Nevada. The Commissioners feel the water issue is a very important issue and needs to be considered by the State.

On Wednesday, March 16, 2005, Commissioner Walker attended a Farm Bureau meeting in Oak City. The 2005 Utah Legislative End of Session Final Report was reviewed with the Farm Bureau lobbyist. Commissioner Walker has a copy of the bills to share with the other Commissioners.

The first design meeting to make a master plan for improvements at the Sunset View Golf Course was held On Thursday, March 17, 2005. Present were Leon Smith, planning and zoning, men's league president Keith Sawaya, Kevin Morris, maintenance, and Commissioner Walker. The next meeting will be held in two weeks. They expect to complete the plans in three meetings and then bring the plans to the Commissioners and others to review.

Commissioner Walker reported the renovation on the club house at the Sunset View Golf Course is going well. The wall that was leaking is being replaced with a new deck. The Millard County Jail Crew is doing some of the work on the building in an effort to keep down expenses.

Commissioner Walker attended the one year celebration for the Millard County Care Center that was held on Friday, March 18, 2005. People from different segments of the community were invited to attend as a promotional event for the care center. They were served a good lunch and given a guided tour of the facility.

Commissioner Walker reported she attended the Doug Miller Outdoor Show on Saturday, March 19, 2005. She said there was a lot of interest in the Millard County Tourism and Fillmore National ATV Jamboree booths.

Commissioner Smith received letter from UDOT with a list of the the 2007 and 2008 Region Four STIP priority projects. Millard County will make a proposal to the Joint Highway Committee in April requesting engineering funds for maintenance on two bridges and for work on the Deseret Harding Road.

Commissioner Smith received a letter from the Consolidated Sevier Bridge Reservoir Company and DMAD Company as Millard County is a stock holder in two of the companies. The letter addresses some issues the stockholders have with the board and the announcement of a special audit of the books. The letter will be on file at the Millard County Clerk's Office.

Commissioner Cooper attended the Millard County Rodeo Club meeting on Wednesday, March 16, 2005. It was the consensus of the group that the arena should stay the size it is. The special meeting to discuss changes on the outdoor arena on March 28, 2005 will be cancelled.

Commissioner Cooper attended the Central Utah Public Health meeting on Thursday, March 17, 2005 in Richfield, Utah. The Kuhni rendering plant in Juab County was discussed. The plant has had several public health violations since it opened and this reinforced the need for controls and management issues to be put in place before the plant was built. Millard County's policy is not to become the dumping ground for the Wasatch front. Greg Kesler has made a request to increase the volume of the waste from Stouffers to increase his mulching operation. Mr. Kesler's request will be heard before the board in the near future.

## OTHER BUSINESS

Commissioner Cooper had received the findings on the Drinking Water Source Protection Zone Violation Complaint made by Kanosh Town Mayor Terry Higgs about activity east of Kanosh Town which might be in violation of the County Source Protection Ordinance. (3-14-05)

Gary Church and Leon Smith drove to the area and observed two separate activities that could have been the problem, both of which appear to be located in the Zone Two Area. This means that the location of a pollution source in this area is prohibited unless "its contaminated discharges can be controlled with design standards." (3-18-05)

The first activity that was observed was an area north of the main road where three older and apparently abandoned trucks were parked, along with two semi trailers, and a backhoe. There were no structures observed. Due to a closed gate with a "Do Not Enter" sign on it, observation was made with field glasses from different points along the road.

The second activity observed was a small structure that had been built down on the south side of the main road, in the proximity of the springs which are the source for Kanosh Town's drinking water. This structure is just over the line into Zone Two. It is small with no windows.

Upon returning to the office, Mr. Smith researched the property of the second activity and found that it sets on a 200'x200' piece of property that has a well located on it. It is now assumed that the structure is a well house constructed for the purpose of protecting that water source.

#### FINDINGS:

There was no observable pollution source found on the site of either of these two activities (as defined in the Millard County Drinking Water Source Protection Ordinance). There being no pollution source, there is no violation.

Callie Peterson, Millard County Sheriff's Office, and Ruth McClees came before the Commission with a request for a correction on one of two ambulance bills sent to the McClees.

In December 2004, Ron McClees and his grandson, Devin Peterson had an ATV accident at the spillway. Mr. McClees was hurt and needed to be transported by ambulance. The grandson was checked out and needed a ride to town and rode in the ambulance with his grandfather. They were billed for two ambulance runs, for two emergency runs, plus milage, and supplies used. The only supply for the grandson was one pair of gloves. The McClees don't think that the grandson should have been charged an ambulance fee because he rode back to town.

Mrs. McClees reported that for the first few months after accident, the statement was sent to another person. The problem has now been corrected.

The Commissioners discussed the details of the situation and the billings.

Commissioner Smith made a motion that Ron McClees should have been the only person charged for being treated and transported. His ambulance bill was for \$522.19. The McClees' grandson Devin Peterson should not have been billed. The Commissioners will waive Devin Peterson's bill for \$449.74. Because of the circumstances of the accident, his grandson Devin Peterson should have been given a ride to town. Commissioner Walker SECONDED. The voting was unanimous. The motion carried.

Commissioner Walker has talked with Gary Church, Millard County Building Inspector, Kevin Morris, West Millard Maintenance Supervisor, all the Commissioners and Attorney LeRay Jackson about proposing a new county policy to contract out all electrical and plumbing for new Millard County structures. Attorney LeRay Jackson was asked to draft a policy and bring it to the Commissioners for review and possible approval.

Commissioner Cooper reported he spoke to Lisa Reid who is the president of a new riding club. She desires that some work be done at the fairgrounds and her club is willing to give volunteer labor. Commissioner Cooper talked to Gary Hone, maintenance supervisor who said the grandstand needs some work done on it. The materials are available and the labor will be appreciated. The Commissioners agreed to have the volunteer work go forward.

Commissioner Smith spoke to AGRC about funds for aerial photos of sections in Millard County that are not included in the Farm Service Agency's agricultural aerial photos. AGRC has \$10,000 that could go towards the project, if Millard County puts up \$25,000. Richard Beckstrand, Adam Britt, and Sheriff Ed Phillips think it would be a benefit for the county to do that much now

and aerial photo the rest of the county later, even if it may take four or five years. The Commissioners agreed to go ahead and draft an agreement between Millard County and AGRC to do aerial photos of additional sections of the county.

Commissioner Smith initiated a discussion on Millard County Policies and Procedures Section XI - **Expense Reimbursement**. He said he is reimbursing the county for his wife's dinner expense in Washington, D.C.

A clarification was made that gas card usage is for county cars only. Gas used in a private car should be purchased and then reimbursed for actual mileage used.

When mileage reimbursement forms are provided at meetings, they should be filled out whether an employee is in a county car or in a private car.

When traveling with a spouse, the proper paper trail should be provided. The travel expenses should be reimbursed and food reimbursed up to per diem. Employees should pay spouses expenses out of own pocket.

When a private car is taken to required meetings, the mileage, both ways should be reimbursed.

Commissioner Cooper talked to Mark Walsh, Congressman Chris Cannon's Office, wants to set up a meeting on March 28, 2005 at 1:00 in Fillmore, Utah to discuss the Western Counties Public Land Alliance.

Commissioner Smith reported Millard County will be switching the county internet site host from Infobite to Incode. The cost per month will be \$100.00 instead of \$200.00. However, there will be an origination fee which could come out of Other Projects. The Commissioners approved the switch of the internet host.

Commissioner Smith asked the Commissioners to authorize out of state travel to Pocatello, Idaho for Adam Britt, Richard Beckstrand, and himself to attend a conference. A presentation will be given at the conference about GIS software that the county is considering purchasing.

The Commissioners approved the out of state travel requested by Commissioner Smith.

#### PUBLIC INPUT

There were none.

#### WHERE UPON THE MEETING ADJOURNED

The meeting adjourned at 11:50 a.m..

#### NOON LUNCH BREAK

#### SPECIAL MEETING TO DISCUSS POSSIBLE MILLARD COUNTY JAIL EXPANSION

The special meeting began at 1:30 p.m. with a welcome to the public from Commissioner

Cooper. People attending the meeting: Debbie Jackson, Iris Speakman, John Holliday, Brent Berkley, Sheriff Ed Phillips, Robert Dekker, Gary Hone, Dean Draper, Brandy Grace, Haze Locke and Randy Gerrard.

Commissioner Cooper said that the purpose of this special meeting is to disseminate information, take public comment and conduct a public discussion regarding the possible expansion to the Millard County Jail of a 100-bed pod. Presentations will be given first and then questions will be answered.

Commissioner Cooper read a letter from Scott Carver at the Department of Corrections stating what happened at the 2005 Legislative Session. UDOC asked for and received funding to allow them the ability to utilize more contract beds in the county jails. A house joint resolution was introduced to allow UDOC to work with Millard, Beaver, Sanpete Counties and enter into long term agreement for the use of beds in county jails. The funding passed, however the joint resolution was not before time ran out. The joint resolution is on call for the special session on April 20, 2005. Mr. Carver said he expected the joint resolution to pass at that time.

Commissioner Cooper said that the resolution is in the hands of the Governor.

In 2001 Millard County had received a grant for \$750,000.00 to build a 100-bed pod extension on the present jail. The design work was done at that time and paid for with \$350,000.00 of the grant money. The rest of the money was refunded back to the federal government when a decision was made not to go ahead with the project because of changes in the funding of housing inmates.

**Sheriff Ed Phillips:** said the project was on line to be constructed in 2001, the contracts had been let, the engineering design was done and they were days away from starting construction when the Department of Corrections made a change of direction in housing prisoners due to some budgetary changes. One year ago he was contacted again to see if Millard County was still interested in going ahead with increasing the contract prisoner program. At that time the county made a decision that they were willing to discuss the idea. In 2005, the issue was brought up again to see if Millard County was interested. A joint resolution from the legislature was drafted to contract beds again with the counties. He does not see this resolution as binding one way or another. Millard County has been in business with UDOC since 1983 and he thinks it has been a great program for the county and the state. Millard County was the first county to enter into a program to house state inmates. The revenue helped off set the cost of the original 40 bed facility and a few years later and addition was made to the jail. The infrastructure, is in place for the 100 bed facility that was proposed three years ago.

The estimated cost of the construction in 2001 was \$2,235,000, today, but the cost would be more around three (3) million dollars.

|                    |              |                   |
|--------------------|--------------|-------------------|
| <i>Projected :</i> | Revenue      | \$1,576,000       |
|                    | Operational_ | <u>\$ 750,000</u> |
|                    | Net revenue  | \$ 826,000        |

Sheriff Phillips said that the best Millard County can make on its money elsewhere is three (3) percent. The county would not have to bond for the money as the funds are in place in Capital Improvements. He thinks that it was a good project in 2001 and is a good viable project in 2005.

**Haze Locke:** (Utah Department of Corrections) said that UDOC has had a great relationship with

Millard County for the past twenty-three (23) years. The state was one of the first clients in the new facility after nearly being shut out of the old facility because of the increase in county inmates. Currently Millard County is housing sixty (60) state inmates and UDOC is willing to add to that number. UDOC has a desire to remain with Millard County until the county needs grows. Mr. Locke said the economic benefit is figured out in a multiple of 13 to 1 over the course of years and thinks this would be a good program. Mr. Locke says UDOC enjoys working with Millard County's competent people. He asked if there were any questions.

**Dean Draper:** (Millard County Chronicle Progress) asked about a statement written in the minutes from last weeks meeting where it was reported the net revenue would be \$900,000, he reported that this was a mathematical error. (*The equation was calculated and corrected to be \$826,000.*) He asked what the new expansion would be made out of? (*The building materials with masonry and steel.*) Mr. Draper said that the price of steel has gone up and has this increase been taken in account for? (*Yes, and that is the reason for the estimated three million dollars.*)

**Debbie Jackson:** (Interested Citizen) She asked how many beds currently? (*There are 107 beds, but jail is full at 90 percent. The present contract with the state is sixty (60) beds, but at times have housed up to sixty-five (65) beds and as low as forty-five to fifty (45 to 50) beds.*) Mrs. Jackson stated; Originally the jail had forty (40) beds and has grown to one hundred (100), if the expansion is done it will be a two-hundred (200) bed facility. If the state will continue to fill the beds, do we build another hundred beds? Mrs. Jackson said that four or five years ago a five hundred bed private jail was proposed and was not wanted by a majority of the community. She thinks this feeling still exists and stated to the Commissioners that you can talk economics all you want, but you need to check the mood of the community, your constituents, not the Department of Corrections.

**Commissioner Cooper:** said they will.

**Commissioner Smith:** said he was not too involved private jail or the last proposed expansion. The Commissioners would like to get the feelings of the community and that is the purpose of the meeting.

**Commissioner Cooper:** thanked everyone for coming. The Commissioners will meet and if a decision is made to go ahead, a public hearing will be held before three (3) million dollars is expended. The Commissioners have talked with a number legislatures and representatives from Utah Association of Counties. The Commissioners are in the middle of an investigation and all the information will be disseminated. The Commissioners appreciate the effort of the Sheriff Offices and they appreciate working with the UDOC. No matter what the decision is Millard County wants to continue their relationship with UDOC. Mr. Locke and Mr. Gerrard from UDOC were thanked for coming to the meeting.

**Commissioner Walker:** asked what types of state inmates are housed in the Millard County Jail? (*All jails are a maximum security facilities because of the way they have to function. Prisoners are classified from number 1 thru 5. Millard County houses Class 3, 4, & 5 prisoners. Prisoners with*



*a number 5 classification are members of the work crew. Prisoners with a Class 1 are death row prisoners and they are not housed in Millard County. Class 2 prisoners are in protected custody and are not housed in Millard County.*

**Sheriff Phillips:** thinks the expansion program would be a great economic benefit to the county. Public safety is not an issue. He said he is not supporting the expansion project for himself. He plans to run only one more term. He asked the Commissioners to take time and evaluate all the information and make a decision.

**Haze Locke:** said the money for the prison contract program has already been approved and is in their budget. The resolution to authorize the use of the money has not been approved yet, which is sort of backwards from what is normally done. UDOC hopes this would be one of the first items of business at April 20, 2005 and they have put in a request to the Governor to put the resolution as one of the first items.

The special meeting ended at 2:10 p.m.

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. Commissioner Smith SECONDED and asked for discussion. The purpose of the closed session is pending litigation. The voting was unanimous. The motion carried.

The meeting ended at 3:00 p.m..

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