

MINUTES OF BOARD OF COUNTY COMMISSIONERS  
MILLARD COUNTY THE 3rd Day of OCTOBER 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

ALSO PRESENT: Brent Berkley, Walt Hoffman, Russ Cowley and Edwin Benson

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 month of October 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 spoke about the tour of military bases in the New Orleans area he had taken in 2004. He then offered a prayer. Everyone stood and said the Pledge of Allegiance to the Flag.

FOLLOW UP ACTION ITEMS FROM MINUTES OF SEPTEMBER 26, 2005

There were none.

APPROVAL OF THE AMENDED MINUTES OF SEPTEMBER 26, 2005

Commissioner Walker made a motion to approve the amended minutes of September 26, 2005.

Commissioner Smith 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 Commissioner Smith the green copy of Check Edit Report of September 30, 2005 to review and sign.

Auditor Grace said she has received some invoices from Fillmore City and Delta City for payment from County CERT funds. Fillmore City's invoice will exhaust their funds, permitting only a partial payment by the County. Delta City has turned in an invoice for \$419.60. Auditor Grace is keeping track of each entity's balance of the CERT Funds that were allocated at \$2.00 per capita.

Auditor Grace gave the Commissioners the Zions Bank Card charges for Commissioner Smith and Commissioner Walker to be reviewed by the Commissioners.

Auditor Grace gave an application with an attached medical explanation from Myron Johnson to the Commissioners for consideration on his property taxes. The Johnsons' income exceeded the amount to qualify for a circuit breaker. The Commissioners reviewed the application and other information.

Commissioner Smith made a motion to abate the property taxes on serial number 6450 40 percent, for owner Myron Johnson, based income.

Commissioner Walker SECONDED. The voting was unanimous. The motion carried.

Another application, along with information for extreme hardship abatement, was given to the Commissioners for consideration for Selma Lazaro's property on serial number D 646-1. After reviewing the information and checking the ownership of the property and finding the 2004 property taxes had been paid, a motion was made.

Commissioner Walker made a motion to abate the property taxes on serial number D 646-1 40 percent, for owner Selma Lazaro.

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

Commissioner Walker presented a check in the amount of \$17,846.50 which is the second half of the Millard County Library Development Grant for 2005 from Utah State Library. The check was given to Auditor Grace.

Auditor Grace handed the Commissioners a copy of the Overtime and Special Pay Report for the pay period September 30, 2005 for them to review.

Auditor Grace said that for some time the County had been receiving questionnaires from Utah Retirements Systems for a former employee. Auditor Grace explained that Russell Sneddon

worked for Millard County for 4-5 months. The Sheriff sent him to POST and shortly after that he took employment elsewhere. He is now applying for retirement benefits and URS is trying to determine whether or not retirement benefits should have been paid by Millard County during the time he was employed by the County from March 21, 1988 through July 1, 1988. Millard County had paid medical and other insurance benefits at that time. Recent legislation states that anything prior to 1994, the employer is not required to pay the retirements benefits. It is up to Millard County to determine to pay all, a portion or none of the retirement benefits amounting to \$6,122.02 for Mr. Sneddon. In the past the County has paid the benefit for an employee in the past and from time to time this situation does come up.

The Commissioners authorized Auditor Grace not to pay the benefits.

Auditor Grace reported she has received the August statement from IHC and invited the Commissioners to stop by the office and review it.

The Commissioner set the date of December 5, 2005 at 1:30 p.m. to hold the budget hearing.

Auditor Grace said that some Millard County employees would like the Commissioners to reconsider their decision to have employees carry two cell phones, one cell phone for private use and one cell phone for business use. The employees would like to carry their own personal cell phone and have the County help with a monthly allowance for County calls. Auditor Grace said the average cell phone charge is between \$47.00-48.00. The Commissioners discussed the pros and cons of the issue.

Commissioner Walker made a motion that with the department head's approval an employee may be given an allowance of forty dollars a month for cell phone use, the employee must keep the phone active, and be able to be reached by that phone.

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

Chief Deputy County Attorney Brent Berkley was asked to write up a cell phone agreement to be signed by employees wanting to participate.

Commissioner Cooper reported that the Rural Public Lands County Council Chairman, Alan Gardner had written a letter stating the accomplishments for the year to date through the work of lobbyist, Bob Weidner. A Memorandum of Agreement on Behalf of Millard County, A Member of the Rural Public Lands County Council for 2006 was attached. The amount to be budgeted will be \$15,000.00.

Auditor Grace said there are some serious billing problems with TTI and other problems have occurred during the year they have been serviced the County. Several of the departments had their long distance services turned off last week. Auditor Grace said that the payments had been made and there must have been a problem with the allocation of the payments. She has talked with Mark Williams to get a quote from Frontier and she recommended that the County go with them for phone service.

Auditor Grace was asked by the Commissioners to explain why of the employees from the

Sheriff's Office use uniform allowance to pay for personal cell phone calls? She suggested they ask the Sheriff how that works.

#### WALT HOFFMAN-POSSIBLE SIGNING OF A SUBDIVISION PLAT

Millard County Attorney LeRay Jackson said that Mr. Hoffman has gone through the process with Millard County Planning and Zoning and his subdivision plat is ready for the Commission Chairman's signature. Some minor language changes have been made. Walt Hoffman presented the plat to the Commissioners for signing. The restrictions will be recorded in the Recorder's Office for public record.

Commissioner Walker made a motion to sign the subdivision plat.

Commissioner Smith SECONDED. The voting was unanimous. The motion carried. Attorney LeRay Jackson, Commissioner Cooper and Clerk Norma Brunson signed the plat.

#### ED BENSEN, SIX COUNTY- CIB LIST REVIEW

Ed Bensen and Russ Cowley Directors of Six County AOG Planning & Community Development went over the Permanent Community Impact Fund Board (CIB) 2005 Consolidated Local Capital Improvement List with the Commissioners. Two lists were handed out to the Commissioners for review. The longer list included all the projects and the shorter list includes only projects for CIB Funding. The directors will be going out to the communities again to have them update the lists. The Commissioners suggested that the Hinckley Deseret Cemetery District well project for \$25,000 be added to the list.

The Commissioners invited Mr. Bensen and Mr. Cowley to attend the next Council of Governments Meeting in Delta at the County Offices on October 20, 2005 at 7:00 p.m.. (Postponed)

#### POSSIBLE ADOPTION OF MILLARD COUNTY RESOLUTION 05-10-03, A RESOLUTION CHANGING THE NUMBER OF MEMBERS FROM THREE MEMBERS TO FIVE MEMBERS FOR ADMINISTRATION CONTROL BOARD OF THE MILLARD COUNTY SPECIAL DISTRICT NO. 8, APPOINTING TWO ADDITIONAL MEMBERS, AND SETTING TERMS

Commissioner Smith made the motion to adopt Millard County Resolution 05-10-03, A Resolution Changing the Number of Members From Three Members to Five Members for Administration Control Board of the Millard County Special District No. 8, Appointing Two Additional Members, and Setting Terms.

Commissioner Walker SECONDED. Clerk Norma Brunson called for a roll call vote. Commissioner Walker. YES. Commissioner Smith YES. Commissioner Cooper. YES.

#### POSSIBLE APPOINTMENT OF TWO ADDITIONAL MEMBERS TO THE MILLARD COUNTY SPECIAL DISTRICT NO. 8 - MIKE TERRELL AND HEATHER ERICKSON

Commissioner Smith made a motion to appoint two additional members namely, Mike Terrell and Heather Erickson to the Millard County Special District No. 8 Board.

Commissioner Walker SECONDED. The voting was unanimous. The motion carried.

## POSSIBLE APPROVAL AND APPOINTMENT OF A BOARD MEMBER TO THE DESERET/HINCKLEY CEMETERY DISTRICT BOARD

Commissioner Walker made a motion to appoint Tracy Eliason to serve as board member on the Deseret/Hinckley Cemetery District Board.

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

## REQUEST FOR COMMISSION WAIVER FOR USE OF FAIR BUILDING BY CRAIG NIELSEN

A request from Craig Nielsen to have the rental fees waived for the Friends of NRA Fund Raiser on November 4, 2005 was discussed. No decision was made and the item was tabled until further information could be gathered.

## POSSIBLE APPROVAL OF LYNETTE MADSEN TO SERVE AS THE ADMINISTRATION CO-DIRECTOR OF THE MISS MILLARD PAGEANT

Commissioner Walker made a motion to appoint Lynette Madsen to serve as the Administration Co-director of the Miss Millard Pageant.

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

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

Commissioner Walker, Commissioner Cooper, and County Attorney LeRay Jackson attended the Millard County Care Center Meeting on September 27, 2005. The current contract was reviewed and some changes are being worked on. Copies will be given to all three Commissioners to review. The process of setting up a new long term care center board, which will meet monthly, is taking place.

Commissioner Walker and Commissioner Cooper met with Mike and Joyce Barney to review the contract Millard County has with the Christensen family. Commissioner Walker said that it was proposed that Millard County will plant grass, mow and water to the property line. The County may also help with the new well being drilled. The cost may be pro-rated based on the water used for the golf course. Also the maintenance dumping spot at the course was addressed with maintenance supervisor Kevin Morris and it will be taken care of.

Commissioner Walker attended the Open House at the Sunset View Golf Course on September 29, 2005 from 5-7 p.m. The event was well organized but not well attended.

On Monday, September 26, 2005 Commissioner Smith, Adam Britt and Richard Beckstrand attended the SWUG meeting in Park City, Utah. The workshops on County GIS Systems were interesting and had a lot of good information. Commissioner Smith had the opportunity to visit with USGS and AGRC about a number of projects that Millard County is involved with and how to get

more data on the water in the west desert. A project to fly the rest of the county to take aerial photos was not completed this year. However, Senator Bennett's Office appropriated some money for the State of Utah to fly over the whole State taking aerial photos and that will save Millard County money. Commissioner Smith said there was a lot of good information given at the conference. One of the interesting maps shown was the number of earthquakes in Utah since 1900. There have been a number of earthquakes happen right here in Millard County.

Commissioner Smith attended the Central Utah Mental Health Authority Board Meeting in Richfield, Utah on Wednesday, September 28, 2005. The Check Edit Reports for the last couple of months are available for review. Four different audits are taking place with the Central Utah Mental Health Authority Board. Commissioner Smith reported that photos were taken of the board members.

Commissioner Smith was contacted by Neil Palmer who owns a gas station in Hinckley, Utah. He is concerned about a problem with standing water along the county road near the station and asked if the county could help with digging a drainage system away from the road. Millard County Road Department Supervisor Thayne Henrie said it was a state highway. The situation will need to be addressed, however, it is not a County issue.

Commissioner Cooper attended the UAC board meeting at Weber State University. He has the UAC agenda to share with the other Commissioners. They discussed the counties relationship with UCIP and the dividing up of the building and other business.

Commissioner Cooper said that Brad Shafer asked Millard County to be one of the first counties to finish the numbering system and recording of the Class B Roads with centerline information. Commissioner Cooper said this is an important project for the County to budget for.

Commissioner Cooper attended a Days of the Old West Rodeo meeting with Sheri Callister and Scott Damron and went over the rodeo budget.

## OTHER BUSINESS

Chief Deputy County Attorney Brent Berkley reminded the Commissioners of the mandatory safety training that will be held on Thursday, October 6, 2005 in Delta from 8-10 a.m. There will be one makeup meeting held sometime in November.

In reference to the issue of having a county employee pay for their own traffic citation if driving a county vehicle, Attorney Berkley said the road department said there are times when an employee is loaded by a loader and they are not in control of the weight of the load. Scales are not always available for use. Some training is being given to the road department employees by UHP Officer Mitchell on how to estimate the weight of a load. The training should help solve some of the problems.

Stepping from his role as the Chief Deputy County Attorney, Brent Berkley from DJ Productions invited the Commissioners to attend a special production of a September 11 tribute

entitled *The Guys* by Ann Nielson. The play will be held in Delta at the ME Bird Center on November 4 and 5 and at the American Legion Hall on November 11 and 12 in Fillmore, Utah. The production is free to the public as a community service. All performances will begin at 7:00 p.m.

County Attorney LeRay Jackson reported that a Disclosure Statement had been turned in by Tony Pedersen.

County Attorney LeRay Jackson reported that a visitor while swimming at the West Millard Swimming Pool was hit in the head by a basket ball bank board. She is not filing charges but was told her medical bill would be covered. The Commissioners authorized the doctor bill amounting to \$160.00 be paid out of the risk management budget.

Attorney Jackson reported that the Public Safety Building's fire extinguishers were fixed and filled by Bryce Ashby. Attorney Jackson said that West Millard Maintenance has an annual fire extinguisher service in their budget and he recommends that East Millard Maintenance follow up with the service annually.

Attorney Jackson reported the old courthouse on Fillmore Main Street was appraised last week to make sure the building's insurance at 2.2 million would adequately cover the replacement cost of the building. The building was appraised for 1.8 million dollars making the current insurance policy adequate. The cost of the appraisal was two hundred dollars (\$200.00).

Commissioner Smith had been contacted by the Mayor of Oak City in response to the bill he had received from the Millard County Road Department. The County had done some shoulder work on the turn going up the canyon and the city had them do some additional work. The mayor had said that the city had helped with some of the cemetery retaining wall project and requested some consideration on the bill of almost \$5,000. The Commissioners recommended that no consideration be made.

Millard County Clerk Norma Brunson requested a new lap top for the Commission Secretary. The Commissioners approved going through Richard Beckstrand to purchase the new lap top computer.

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

There were none.

WHERE UPON THE MEETING ADJOURNED

The meeting adjourned at 11:45 a.m..

NOON - LUNCH WITH USU EXTENSION (FILLMORE COMMUNITY MEDICAL CENTER CAFETERIA)

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