

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 23rd DAY OF JANUARY 2006
AT THE COURTHOUSE, FILLMORE, UTAH

PRESENT: Kathy Y. Walker Chairman
Daron P. Smith..... Commissioner
John C. Cooper. Commissioner

LeRay Jackson County Attorney
Norma Brunson County Clerk
Janice Robins..... Deputy County Clerk

ALSO PRESENT: Brent Berkley, John Holliday, Bonnie Gehre, Brandy Grace, Connie Hansen
Sheriff Ed Phillips and Forrest Roper

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 January and February 2006.

PUBLIC WAS WELCOMED

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

OPENING STATEMENTS

Commissioner Walker asked if anyone had an opening statement to give? Commissioner Cooper read a quote and then said the invocation. Everyone stood and said the Pledge of Allegiance to the Flag.

FOLLOW UP ACTION ITEMS FROM MINUTES OF JANUARY 9, 2006

There were none.

APPROVAL OF THE AMENDED MINUTES OF JANUARY 9, 2006

Commissioner Cooper made a motion to approve the amended minutes of January 2006. 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 the Commissioners the Check Edit Report of January 20, 2006 and the Overtime and Special Pay Report for the January 6 and January 20 pay periods to review and sign.

Auditor Grace said some clarification needs to be made on the law enforcement contract for Delta City and Fillmore City that had been reviewed recently. Auditor Grace had sent a letter out to the cities with a copy to the Sheriff. Fillmore City said the letter showed a reduction of 30 percent for one year and that the discount was a two-year agreement. *(The minutes of October 24, 2005 were read stating that Commissioner Walker had made a motion to give a 30 percent discount to the cities for law enforcement for a two-year period. Commissioner Cooper had stepped from the chair and Seconded. Commissioner Walker voted Yes, Commissioner Cooper voted Yes, Commissioner Smith voted No. The motion carried. A COLA of 3 percent will be on the full amount of the contract. Meetings will be set up in January 2006 to discuss the law enforcement contract with each city individually, and with Sheriff Phillips, and the Commissioners.)* In the negotiating meetings, Delta City Mayor Bunker had said that the square footage of the office space they provided was worth something and they wanted some consideration for it, but they had not talked about half the secretary's salary.

Commissioner Walker asked if they were going to be negotiating the contracts wouldn't that invalidate the motion of October 24, 2006? Attorney Jackson said that if the cities want a better deal than the 30 percent then the contract must be renegotiated and then the motion could be rescinded.

The Commissioners agreed to meet with Fillmore City and Delta City individually to talk about the law enforcement contracts. Commissioner Walker will set up the meetings with the mayors.

Auditor Grace said she had been contacted by Assessor Talbot who requested a credit card for Brandon Bartholomew as he sometimes works outside of the office and he needs a credit card to pay for expenses. The minutes from July 11, 2005 state that a purchasing card had been approved for Mr. Bartholomew. Auditor Grace said the status of the purchasing card is that the logo is ready and the cards should be ready soon. The Commissioners would like to visit with Assessor Talbot and Brandon Bartholomew before a card is issued.

Auditor Grace reminded the Commissioners of the UCIP Facilities Management Conference that will be held February 23, 2006. The topics of the conference are especially for maintenance personnel. County maintenance supervisors have attended this conference in the past and they will be notified of the date and time of this conference.

Auditor Grace said that the sales commission for Todd Mullen has been calculated and is ready for approval from the Commissioners.

Commissioner Smith made a motion to approve the commission paid to Todd Mullen, the golf pro based on 15 percent of the gross green fees above \$35,000. Mr. Mullen has been here six months so the figure is based on \$17,500. Also, he gets a 20 percent commission on net sales from the merchandise in the shop. The county purchased the inventory from the past golf pro for \$18,500 twenty-five per cent of this expense will be deducted from gross sales as cost of goods sold in 2005 and 25 percent in 2006. The commission to be paid the golf pro for 2005 is \$2,306.77 for green fees and \$770.01 for merchandise sold, totaling \$3,076.79.

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

Commissioner Smith made a motion that for 2006 commission for the golf pro's green fees will be based at 8 percent over \$35,000 and the commission on merchandise from the club house will be 20 percent of net sales.

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

Auditor Grace presented copies of Resolution 06-01-23 to the Commissioners for review and possible approval.

Commissioner Smith made a motion to approve Resolution 06-01-23, a Resolution of the Board of Commissioners of Millard County, State of Utah, Transferring Unencumbered or Unexpended Appropriation Balances From One Department in a Fund to another Department Within the Same Fund.

Commissioner Cooper SECONDED. Commissioner Walker asked Clerk Norma Brunson to call for a roll call vote. Commissioner Smith. YES. Commissioner Cooper. YES. Commissioner Walker. YES. The voting was unanimous. The motion carried.

Commissioner Walker signed all three copies. One copy will go to each of the following offices, the Millard County Clerk, the Millard County Auditor and the Millard County Attorney.

Commissioner Smith turned in some Predator Control vouchers to the Auditor for payments to be made.

Auditor Grace said that Chief Deputy Bonnie Gehre has went through the records to determine which portion of the IHC refund was the employer's and which portion was the employees. The employer's portion would be just less than 1 percent of the \$9,300. Chief Deputy Bonnie Gehre gave the Commissioners a full report on her findings on what each employee had actually paid during that time. She said at that time there were three tiers of coverage and three levels within the tiers during 2001 and 2002.

Commissioner Cooper made a motion to refund the over payment from IHC to the employees according to their share as calculated by the Auditor's Office.

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

REVIEW AND POSSIBLE EXECUTION OF GROUND LEASE BETWEEN IHC AND MILLARD COUNTY ON MILLARD COUNTY CARE CENTER

This item was tabled.

REVIEW AND POSSIBLE ADOPTION OF THE REDEVELOPMENT AGENCY RESOLUTION TO APPOINT TWO MEMBERS TO SERVE ON THE TECH COMMITTEE

The Resolution had not arrived but will be signed upon arrival with today's date.

Commissioner Cooper made a motion to appoint Commissioner Daron Smith and Gary Church, Economic Develop Director to serve as Millard County's two members on the Millard County Redevelopment Agency Tech Committee.

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

SET DATE FOR A PUBLIC HEARING FOR APPROVAL OF AN ORDINANCE TO AMEND THE ZONING MAP OF MILLARD COUNTY CLASSIFYING A PORTION OF THE UNINCORPORATED AREA CLASSIFIED AS AGRICULTURAL TO RESIDENTIAL - REQUESTED BY ELWIN JOHNSON

Commissioner Smith made a motion to set February 13, 2006 at 11:00 p.m. as the date and time for the approval of an ordinance to amend the zoning map of Millard County classifying a portion of the unincorporated area classified as Agricultural to Residential at the request of Elwin Johnson. Commissioner Cooper SECONDED the motion. The voting was unanimous. The motion carried.

REVIEW AND POSSIBLE SIGNING OF THE STATE OF UTAH FOURTH DISTRICT COURT MILLARD COUNTY COURT SECURITY CONTRACT JANUARY 1, 2006-JUNE 30, 2007

Commissioner Cooper made the motion to sign the State of Utah Fourth District Court Millard County Court Security Contract for January 1, 2006 through June 30, 2007. The AOC agrees to pay an amount not to exceed \$18,000 for security service provided to the Court.

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

POSSIBLE SIGNING OF A BUSINESS LICENSE FOR JAKE'S LUMBER - OWNER JAKE WRIGHT

Commissioner Cooper made a motion to approve the business license for Jake's Lumber Company - Owner Jake Wright.

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

REQUEST FOR COMMISSION WAIVER FOR USE OF THE EXHIBIT BUILDING- APPLICANT STEVE REGAN

Commissioner Smith made a motion to waive half the rental fee for the exhibit meeting for

the applicant, Steve Regan.

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

MIKE AND JOYCE BARNEY - RE-SIGNING OF THE PLATS FOR PLANNED UNIT DEVELOPMENT PROJECT

Millard County Attorney LeRay Jackson explained that the Commissioners had approved the plats to be signed, but the County Recorder had found some errors on the legal descriptions.

Commissioner Smith made a motion to sign the plats for Mike and Joyce Barney subject to Millard County Recorder Connie Hansen's approval.

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

FILING OF DISCLOSURE STATEMENTS FOR 2006

The following people filed Disclosure Statements:

David Jackson	Richard J. Carter
Aaron T. Bronson	John C. Cooper
Frank T. Paxton	Ben McDonald
Kathy Y. Walker	Brandy Grace
Sherri Callister	Clayton Jeffery
Karen Shurtz	Dorothy Anderson
Fred S. Tolbert	Brandon Smith
Don M. Neilsen	Tony Anderson
Brent G. Berkley	Roger Killpack
Max N. Wood	Daron P. Smith
LeRay G. Jackson	

CHIEF DEPUTY COUNTY ATTORNEY BRENT BERKLEY AND DEPUTY COUNTY ATTORNEY JOHN HOLLIDAY

Chief Deputy County Attorney Brent Berkley and Deputy County Attorney John Holliday were present. Attorney Brent Berkley reported that Agent Ron Wilson from AP&P had resigned because of his work schedule. Mr. Wilson had been doing the tracking service and providing the drug testing for drug court. Attorney Brent Berkley said there has been some concern about the efficacy of drug court as well as the lack of strength from the bench. The fact that drug court is only held every other week is a factor. The Sheriff is willing to provide some tracking services in an effort to keep the drug court going.

A meeting will be held on January 25, 2006 for everyone involved in running the drug court, including the judge. They will discuss the pros and cons of the current drug court and will determine what needs to be done to fix the problems. They will be looking for some new ways to make drug court more effective, more consistent and enforce immediate sanctions. Drug Court is still faster than regular court.

Attorney Brent Berkley will report back to the Commissioners what decisions were made at the meeting.

The County Attorney's Office, Sheriff Office and the Commissioners have all expressed a desire for the drug court to continue.

REVIEW AND APPROVAL OF THE COMMISSIONERS RESPONSIBILITIES FOR 2006

Commissioner Cooper made a motion to approve the amended list of Commissioners Responsibilities for 2006.

Commissioner Smith SECONDED the motion. The voting was unanimous. The motion carried. See Exhibit A.

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

Commissioner Cooper attended the Central Utah Public Health meeting where a decision was made to approach the Commissioners in the Six County area with a \$1.00 raise per capita for public health and to raise the salary base for the employees at CUPH at the end of the budget year. The board would like to propose that a mill levy be set instead of the counties paying the assessment out of their budgets. However, all six county commissions would need to approve this plan. Commissioner Cooper said that revenue fees have been raised and will bring in \$78,000 this year to help with the increase of the employees salaries which will bring them up from being one of the lowest in the state. An additional \$61,000 will be taken out of the existing budget. A mill levy increase would have to be approved by the commissions and the citizens. Setting a mill levy may be a good way for Central Utah Mental Health to get money for their budget and together the two entities could promote the proposal to the public.

On January 13, 2006, Commissioner Cooper and Commissioner Smith attended the Utah Public Lands advisory meeting with Lt. Governor Herbert and Lynn Stevens. Commissioner Smith made a proposal for the state to write a letter to the state of Nevada stating it would be in the best interest of the agreement between Utah and Nevada if Nevada would hold off holding the hearings until the BARCUSS Study that the USGS is doing on the ground water is completed. A joint proposal by Commissioner Cooper and Commissioner Smith for the state to support the county with technical or legal council with water expertise to represent Millard County in the water hearing in Southern Nevada. The proposal was rejected and Millard County was disappointed. Millard County Commissioners and Juab County Commissioners have requested a meeting alone with Governor Huntsman to discuss water concerns and land use legislation. Millard County as the government protestant and along with the other citizens feel that they are not getting enough support from the state. The Commissioners reported to the State how the conference hearings went in Nevada on January 5, 2006.

Commissioner Cooper talked with Keith Gillins who reported a heat problem in the jail Sunday and they couldn't hold the meetings. Commissioner Cooper contracted Gary Hone in maintenance and reported the problem.

Ferrell Hatch had some concerns over the jail. Captain Dekker is handling both of the problems.

Commissioner Cooper attended the meetings with Fillmore City held with UDOT over the roads.

All the Commissioners attended the conference "Growing a Business in Millard County" on January 14, 2006. About one hundred people attended the conference held in Fillmore. Commissioner Walker, Linda Gillmore, Craig Poulsen and Darlene Christensen were all congratulated for the good job they had done in setting up the event. The conference was given a 98 per cent satisfactory rating at the end of day.

On January 17, 2006 all the Commissioners attended a Comprehensive Land Use Plan meeting with Brian Cottam, State Office of Planning and Budgeting. All agencies who are participating in the comprehensive land use plan were invited to attend the meeting. The State has a process to help the county re-write a general plan or write a resource management plan. A followup meeting will be held on February 21, 2006. Some of the agencies involved did not attend.

Commissioner Smith and Commissioner Walker participated in a conference call with George Croft and Reed Searle from IPA and discussed some concerns of the water companies.

Commissioner Smith reported that he had been contacted by some dairymen who were concerned about the availability of water around the restricted area near Delta. They are looking for ground water because this is a closed area where water cannot be transferred in but it can be transferred out. The dairymen were going to ask the State Engineers Office for help.

Commissioner Smith complimented the road department for keeping the roads cleaned and opened this past week during the snow storm.

Commissioner Smith attended the GIS meeting on January 10, 2006. There is federal money for the FSA to fly the county and do a digital one meter aerial map of the county. If the cities are interested in getting a one foot resolution map it can be done while they are flying the whole county. The mayors need to be informed of this project. The cost would be about \$1,000.00 per city and the county may partner with them on this project.

Commissioner Smith attended the Special District No. 8 meeting and dinner on January 20, 2006.

All the Commissioners, Attorney Jackson, Kevin Morris and Mike and Joyce Barney met to discuss the well at the golf course. A Memorandum of Understanding will be written up by Attorney Jackson and then be signed by the interested parties.

Commissioner Walker attended the Delta Chamber of Commerce meeting on January 11,

2006. The Chamber is taking over the reigns of the Snow Goose Festival as Travis Jones is leaving the area. Mr. Jones will still help with the plans this year.

Commissioner Walker attended the Millard County Tourism meeting on January 11, 2006. At the meeting it was announced that Virginia Gehre and Leo Davies have resigned from the board leaving six members. Tourism Chairperson Roger Killpack agreed that the board will resume with six members. Commissioner Walker has been busy writing tourism website information on the millardcounty travel.com.

Commissioner Walker and Commissioner Smith met with Delta City Mayor Bunker who wanted to clarify his double taxation theory for law enforcement in Delta City.

Commissioner Walker announced the Millard County Council of Governments will be meeting on February 9, at 7:00 in Delta, Utah.

Commissioner Walker said she was invited to a dinner with the Fire District, but the invitation came in the mail too late.

OTHER BUSINESS

Commissioner Cooper made a motion to waive the fee for the use of the exhibit building for a quilt show in conjunction with the Snow Goose Festival. The date of the show will be February 24 and 25 from 9:00 a.m. 6: 00 p.m..

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

Deputy County Attorney John Holliday reported that from time to time property seized by law enforcement cannot be returned to the owner because the owner cannot be contacted. The property is labeled abandoned. In accordance with Utah Code Annotated 77-24-4 (2) the Utah Highway Patrol, by the through the Millard County Attorney's Office, formally requested by letter that the Millard County Commission grant permission to appropriate three of such vehicles. The vehicles are a 1997 Chevrolet Pick-up Truck, a 1999 Maroon Dodge Status, and a 1994 Chevrolet Astro Van. Certified letters had been sent to the owners at their last known addresses but they were returned undeliverable.

Commissioner Cooper made a motion grant that permission for UHP to have the vehicles for their desired use.

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

The letters of request for the three vehicles will be on file at the Millard County Clerk's Office.

Sheriff Ed Phillips and Forrest Roper presented a proposal to the Commissioners. The Sheriff's Office has a grant for \$20,000 that needs to be used this week. The money can be used for reimbursement of qualified expenses like the canopy system at the Cricket Mountain site. The power source at the site is solar and generator. Both the heating system and the air-conditioning system are

run by 220 voltage. Sheriff Phillips said that the electrical engineer has located some invertors that will produce 220 power. This would provide both 110 and 220 voltage at the site. Sheriff Phillips would like the Commissioners to consider using the \$20,000 to pay for the invertors.

Commissioner Cooper made a motion to approve the purchase of the invertors from the existing budget with most of the cost being offset by money through a grant.

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

PUBLIC INPUT

There were none.

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

There were none.

WHERE UPON THE MEETING ADJOURNED

Commissioner Smith made a motion to adjourn the meeting.

Commissioner Cooper SECONDED the motion. The voting was unanimous. The motion carried. The meeting adjourned at 12:17 p.m..

A Millard County Redevelopment meeting was held at 1:30 p.m.. Following this meeting the elected officials met with the Millard School District.

Attest: _____

Approved: _____

**Assignment of Duties fo Millard County Commissioners
Effective January 23, 2006**

Commissioner Kathy Y. Walker, Chairman

Building Inspection Department
Cemetery Districts
Economic Development/MEDA Board
Fire District Board
Landfill/Solid Waste
Millard County Jr. Livestock Show
Millard County Fair / Miss Millard
Millard County Library / Bookmobile
Tourism
Water Conservancy District
West Millard Maintenance
Workforce Services Regional Board

Joint Responsibilities

Delta & Fillmore Chambers of
Commerce
County Comprehensive Plan
Millard County Housing Authority
Senior Citizens
Millard County Long Term Care
West Justice Court
Public Lands
IPA Concerns

Commissioner John C. Cooper

Days of the Old West Rodeo
East Millard Maintenance
LEPC (Local Emergency Planning Committee)
Millard County Recreation
Planning & Zoning
Public Health
Six County AOG
Television
Utah State Legislature
USU Extension Service

County Comprehensive Plan
County Tax Commission
East Justice Court
Human Services/Resources
IPA Concerns
UAC Centrally Assessed
Public Lands
Forest Service

Commissioner Daron P. Smith

Board of Adjustments
Boundary Commission
County Weed Board
Drainage Districts
GIS Departments
Mosquito Abatement District
Road Department
Six-County Mental Health
Soil Conservation Districts (MCD & DSCD)
Southern Region RAC/Predator Control
Special Service District # 8
Risk Management / Insurance
Water Conservancy District

BLM
IPA (Point) Concerns
Public Lands
County Comprehensive Plan