

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 6th DAY OF FEBRUARY 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 and Kevin Morris

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 February and March 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 Smith said the invocation. Everyone stood and said the Pledge of Allegiance to the Flag.

FOLLOW UP ACTION ITEMS FROM MINUTES OF JANUARY 23, 2006

There were none.

APPROVAL OF THE AMENDED MINUTES OF JANUARY 23, 2006

Commissioner Cooper made a motion to approve the amended minutes of January 23, 2006. Commissioner Smith SECONDED the motion. The voting was unanimous. The motion carried.

AUDITORS REPORT

Auditor Grace gave the Commissioners the Check Edit Report of January 23, 2006 and February 3, 2006 to review and sign. The checks dated January 23, 2006 were approved by Commissioner Cooper and Auditor Grace because a Commission meeting was not held that week. All the Commissioners received the Overtime Report for February 3, 2006.

Auditor Grace said an invoice in the amount of \$102.83 from UAC for the PILT Fund special assessment has been received. The Commissioners approved the invoice to be paid out of the Public Lands budget.

Also received was an invoice from IHC for the December 2005 reconciliation.

Long term care services	\$183,566.38
Patients days Fillmore and Delta Hospitals	\$11,957.70

The Commissioners would like to discuss this invoice in more depth before they approve it for payment.

Auditor Grace brought up the county policy regarding regular part time employees. She said there have been two incidents where part time employees may work up to 40 hours but because of county policy namely "*part time employees may be eligible for benefits on a pro rated basis*" there is conflict with supervisors and department heads about whether to allow the employees to work that amount of time. One issue is whether a part time employee is eligible for holiday pay? Some supervisors think they should and others do not. Some clarification on what the intent is for a regular part time person will need to be determined. Employees working less than 1040 hours a year do not receive benefits. The second issue is whether or not regular part time employees should be able to request benefits.

Auditor Grace thinks the policy should be changed to classify part time employees as people that work less than 40 hours a week and not limit it to 20 hours a week.

The Commissioners authorized Auditor Grace to write up a draft change of policy in this matter and bring back to the Commission.

Two invoices had come in from the Sheriff Office, one for the installation of twenty- two Motorola mobile video recorders in vehicles for \$5,800. The other invoice was \$2,000 for the Cricket site tower. The money should be taken out of the Capital Project budget.

RATIFY THE SIGNING OF RESOLUTION NO. 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 Smith made a motion to ratify the signing of Resolution No. 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** the motion. The voting was unanimous. The motion carried.

REVIEW AND POSSIBLE ADOPTION AMENDMENT TO SECTION XIII OF THE POLICY AND PROCEDURES MANUAL REGARDING RANDOM DRUG TESTING

Attorney LeRay Jackson had prepared the amendment on the policy regarding random drug testing. Up unto now holders of CDL's had been tested.

Commissioner Cooper made a motion to adopt the amendment to Section XIII of the Policy and Procedures Manual regarding random drug testing

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

OPEN BIDS FOR AN EPOXY FLOOR - KEVIN MORRIS WEST MILLARD MAINTENANCE

Auditor Grace said that Kevin Morris West Millard Maintenance had put an ad in the paper which was published on January 18 and January 25 stating the bids should be submitted to Auditor's Office. Attorney LeRay Jackson opened the following bids for an epoxy floor.

C & L Coatings	\$1,531.50		
	6,636.50		
	375.00		
	<u>\$2,047.50</u>		
	\$10,590.50		
PEP Systems	\$660.00		(\$779.00)
	\$936.00	With 50% down	(\$1,104.00)
	<u>\$4,188.00</u>		<u>(\$4,942.00)</u>
	\$5,784.00		(\$6,825.00)

Commissioner Cooper made a motion to accept the bid for PEP Systems for \$5,784.00 and pay the 50 percent down.

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

MILLARD COUNTY ASSESSOR JIM TALBOT AND BRANDON BARTHOLOMEW - DISCUSSION

Millard County Assessor Jim Talbot doesn't think that having Brandon Bartholomew sign an agreement to stay on the job for five years if he receives training to become a certified assessor and pay back the cost of the training on a pro rated basis if he leaves early is in accordance with the

Millard County Policies and Procedures Manual. There are a number of people being trained on a continual basis though out the county and they are not required to sign contract, why should there be an exception here? He thinks it should be fair across the board. The five week assessor certification training is free. The estimated cost of the travel, meals and motels is between \$3000 and \$4,000. Brandon Bartholomew has been in the Millard County Assessor's Office for more than the six month probation period.

Commissioner Cooper made a motion to rescind the motion of having an agreement signed in regards to the training for Brandon Bartholomew in the Assessors Office until the issue can be dealt with on a county wide basis.

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

Assessor Jim Talbot asked that a credit card be issued to Brandon Bartholomew to cover outside of the office expenses.

Commissioner Cooper made a motion to allow a credit card with a \$2,000 limit be issued to Brandon Bartholomew.

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

CHIEF DEPUTY COUNTY ATTORNEY BRENT BERKLEY AND DEPUTY COUNTY ATTORNEY JOHN HOLLIDAY - UPDATE ON THE DRUG COURT MEETING

Chief Deputy County Attorney Brent Berkley said that on January 25, 2006 Judge Eyre and the drug court committee met to discuss ideas to make the drug court in Millard County more productive. The County Attorney's Office will now have the responsibility of tracking the calls and keep track of the people who show up for testing. The drug court participants are to call Attorney Brent Berkley on Mondays thru Fridays between 2:00 and 4:00 to find out if they are to be tested or not. Testing is done in the jail or testing can be done daily in the Delta area. Today because it was after the Super Bowl all participants will be tested for drug and alcohol tests.

The concerns about the strength of the bench in issuing immediate sanctions seems to be improving. Two people were put in jail this week for violating or not showing up. Attorney Berkley said the participants are appreciative of the opportunity to attend drug court. There are five people in the program now and up to ten participants could be handled. A full time tracker would be needed if there ever there was more than ten participants for an extended time. The fees will be collected by county attorneys office and then turned over to clerk's office.

Attorney Berkley will come and give the Commissioners another update in a couple of weeks.

EXPANSION OF AN ENTERPRISE ZONE

The request for an expansion of the enterprise zone was made by Red Rock Cheese Plant in Delta, Utah. The enterprise zone allows certain types of businesses in the area to claim tax credits provided by state law. This will help the cheese plant with state taxes. A map of the proposed enterprise zone expansion was studied by the Commission.

Commissioner Smith made a motion to approve the expansion of a Delta Enterprise Zone.

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

FILING OF DISCLOSURE STATEMENTS FOR 2006

A Disclosure Statement for 2006 was filed for:
Cloyd C. Day

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

Commissioner Cooper, Delta City Mayor Gayle Bunker attended the Six County AOG meeting in Richfield, Utah. Plans were made for the recognition dinner on February 16. Reports from the Congressional delegations of the area were given.

All the Commissioners and Recorder Connie Hansen attended the County Officials Day at the State Legislature in Salt Lake City. They had an opportunity to visit with Representative Wheeler in the House of Representative and other legislators about Millard County interests. There were a number of bills and issues the county are tracking.

- The Jail Reimbursement Bill
- The Health and Human Service Appropriation
- House Bill 13 - Early Voting
- Amendment to Motor Vehicle Registrations
- Senate Bill 129
- The dropping of sales tax and what it would do to hospitals (it passed in the House)
- Senate was more in favor of a tax credit than dropping the sales tax

Commissioner Smith and Commissioner Cooper received phone calls from Lt. Governor Gary Herbert to discuss some issues and concerns he had.

All the Commissioners, Superintendent David Taylor, Keith Griffiths, Sheriff Ed Phillips and Captain Robert Dekker met with Reed Searle from IPA on Monday January 30, 2006. They discussed the future tax evaluation of plant. The construction on the Unit 3 is scheduled to begin in 2008 with a completion date of 2012.

Commissioner Smith attended the Six County Mental Health Authority Board meeting on January 25, 2006. They discussed the independent audit. A copy of the audit will be given to the Millard County Commissioners and Auditor Grace. Commissioner Smith said that because of the snow storm several of the board had to stay over. Their rooms were paid by Six County Mental Health.

Commissioner Smith attended the Millard County Road Department training meeting this morning. Snow plow safety and the school bus routes were discussed. A decision was made that if the bus is already on a designated route then the snow plow will wait until the bus is off that road

before they clean it. This change is in an effort to avoid the bus and the snow plow on the same narrow road and hopefully avoid an accident.

Commissioner Walker, Delta City Mayor Gayle Bunker and Fillmore City Mayor David Christensen attended the MEDA meeting on January 26, 2006. They reviewed the "Growing a Business in Millard County" conference that was held on January 14, 2006. Thank you letters were sent out to all the out-of-town conference speakers along with a trilobite and a Fillmore City pin. It was announced that Thayne Christensen resigned. They will try to have a replacement for him by the February 23 meeting.

On January 31, 2006, Commissioner Walker did a radio show on KNAK with Kathy Farnsworth to report on support or opposition of bills currently before the Legislature. Some discussed were:

- Support House Bill 264 - Acceptance of Rights of Way amendments (allows center line-description)
- Support House Bill 13 - Common Polling Places (allows precincts within polling place to share poll workers and direct recording electronic machines.)
- Support House Bill 14 - Early Voting (allows two weeks prior to Election Day in centralized locations.)
- Oppose Senate Bill 129 - Motor Vehicle Registration (allows optional 6-month registration with additional cost to county to administer registrations).
- Oppose Senate Bill 54 - Revenue Flow from Speeding Violations (bill gives half of revenue collected by local law enforcement to state).

Commissioner Walker talked with Peter Greathouse regarding House Bill 228 - Ground Water Management Plan - which allows State Engineer to create a management plan from any groundwater basin or aquifer to limit ground water with drawls and protect water quality. Commissioners oppose bill as currently written which allows the adoption of a groundwater plan if more than 1/3 of the water right owners in a basin request the State Engineer to adopt a ground water plan.

Commissioner Walker had a lengthy discussion with Sunset View Golf Course chairperson John Nickle to address the role of the committee and how best to restructure the committee for this year.

Commissioner Walker attended the Delta Area Chamber Board meeting for an update on Snow Goose Festival plans, including the quilt show and craft fair February 24 and 25, and March 3 and 4. The Snow Goose Chase and catered dinner takes place March 4.

Commissioner Walker announced Alan and Lori Roper of Fillmore have been selected as the Millard County's Business of the Year. They will be honored February 16 at the Business Recognition Banquet in Sevier County.

In regards to the grazing bill sponsored by Brad Johnson, UAC and the Commissioners

recommend that a member of the weed board be included on the board. The Commissioner of Agriculture doesn't have final decision making authority on policy decisions. The board would have the authority. An e-mail was sent to Mr. Johnson asking those statements be taken out of the bill.

A bill sponsored by Senator Darin Peterson would allow Salt Lake County to hire a private attorney is being opposed by UAC and the Commissioners.

OTHER BUSINESS

Attorney Brent Berkley announced the codification of the Millard County Ordinances has finally been completed by Sterling Codifiers. At the last planning and zoning meeting the ordinances were discussed. A public hearing was set on March 1, 2006 at 7:00 p.m. at the Millard County Planning and Zoning meeting and a second public hearing will be held at Commission Meeting on March 13, 2006 at 11:00 a.m. Notice of the public hearing will be put in the paper by Attorney Berkley.

Deputy County Attorney John Holliday said that two weeks ago he had brought before the Commissioners three letters of request for the Commissioners to authorize turning over the ownership for three abandoned vehicles to the Utah Highway Patrol. UHP wants the vehicles given directly to the Millard County Sheriff Office instead of going first to UHP in SLC. Millard County would have been reimbursed by UHP for the storage anyway and would shorten the paper trail considerably. The Commissioners agreed to the request.

Commissioner Smith said the road department worked twenty hours straight during the last snow storm and because there was a holiday during that week they were paid time and a half for only a couple of hours. When it is a public safety issue they should be compensated for the long hours by giving them special pay. This policy should be used uniformly throughout the county. The Commissioners agreed that when public safety issues are involved and long hours worked they can be compensated with time and a half, subject to Commissioners' approval.

Commissioner Smith explained that in reference to the Cheese Plant intersection project Millard County had been asked to put up a \$20,000 retainer on the project in case the project went over the bid. The actual cost of the project going over the bid was \$3,755.00 which is less than anticipated.

Commissioner Cooper received a letter from Utah Department of Transportation soliciting comments on the effectiveness of the existing UDOT non metropolitan local official consultations process. Comments will be sent to UDOT by the Commissioners.

The Commissioners asked Janice Robins, Commission Secretary to write a letter to UDOT explaining Millard County Commissioners' concern about the speed increase on the SR 133 from Kanosh to Meadow.

Commissioner Cooper reported that the 2005 beer tax distribution annual report was

received. Entities receiving more than \$1,000.00 need to submit a report to the state by October 2006 of where their beer money was used. Millard County received \$11,073.97 and the report of where it is used will be sent to the state by Auditor Grace.

Commissioner Cooper said a letter from the Fish Lake National Forest with a copy of the Quitchapah road impact. The project is a joint effort between the BLM and Forest Service

Commissioner Walker spoke to Robert Weidner, Millard County’s Washington lobbyist. He had reported that the finishing touches on Washington County’s Land Use Plan Bill are being done and Senator Bennett will publically introduce it soon. He also said that environmental groups are giving support of the plan.

Commissioner Cooper said that Mark Walsh of the Western Counties Alliance had sent a note thanking the Commissioners for meeting with him.

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 12:08 p.m..

NOON

USU EXTENSION CHRIS SANDERS

RENTAL POLICY WORK MEETING

Attest: _____

Approved: _____