

MINUTES OF BOARD OF COUNTY COMMISSIONERS  
MILLARD COUNTY THE 19th DAY OF MAY 2015  
AT THE COURTHOUSE, FILLMORE, UTAH

PRESENT: James I. Withers . . . . . Chairperson  
Alan M. Roper . . . . . Commissioner  
Dean Draper . . . . . Commissioner  
  
Pat Finlinson . . . . . County Attorney  
Marki Rowley . . . . . County Clerk  
Lesli Shields . . . . . Deputy County Clerk

ALSO PRESENT: Captain Forrest Roper . . . . . Millard County Sheriff’s Office  
Trent Wilde . . . . . USU Extension  
Todd Anderson . . . . . Delta City  
Bart Whatcott . . . . . East Millard Recreation  
Lynette Madsen . . . . . Millard County Deputy Auditor  
Brian Pugh . . . . . Magnum Development  
Adam Richins . . . . . Sawtooth NGL Caverns  
Gayle Bunker . . . . . Delta City Mayor  
J. Scott Nickle . . . . . Nickle Mortuary  
Matt Heck . . . . . Juwi, Inc.  
Hannah Jones . . . . . Millard Chronicle Progress  
Pat Manis . . . . . Millard County Assessor  
Sheri Dearden . . . . . Millard County Treasurer

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, Utah, 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 Roper repeated a statement he heard at the Florida convention he attended: “If you always do what you’ve always done, you will always be what you’ve always been”. Commissioner Withers said the invocation. Everyone stood and said the Pledge of Allegiance to the Flag.

## APPROVAL OF MAY 5, 2015 COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held May 5, 2015 were presented for consideration and approval. Following review and consideration of minor corrections, Commissioner Roper made a motion to approve the minutes of May 5, 2015, as corrected.

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

## FOLLOW UP ACTION ITEMS FROM MAY 5, 2015

There were none.

## DISCLOSURE STATEMENTS

A disclosure statement was submitted for Debra A. Arnold

## RATIFY THE APPROVAL OF A CREDIT CARD FOR SCOTT BARNEY, ECONOMIC DEVELOPMENT DIRECTOR, IN THE AMOUNT OF \$3,000.00

Commissioner Roper made a motion to ratify the approval of a credit card for Scott Barney, Economic Development Director, in the amount of \$3,000.00.

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

## RATIFY THE APPROVAL OF A STORAGE BUILDING AND LOCATION FOR THE WEED BOARD'S EQUIPMENT

Commissioner Withers said that the decision on this agenda item has changed, which will be discussed further in the discussion below. Therefore, this agenda item is no longer needed.

## DISCUSSION AND POSSIBLE APPROVAL OF LOCATION TO CONSTRUCT A STORAGE BUILDING FOR THE WEED BOARD'S EQUIPMENT

The commissioners discussed this agenda item at the last commission meeting and a motion was made to approve the location to construct a storage building for the Weed Board's Equipment. After the meeting, however, there was confusion between the commissioners on the motion and where the building was approved to be constructed.

Commissioner Draper had thought that the motion made at the last commission meeting was to construct the building by the County Road Barn that is located on the West side of the County. He said that is still his opinion of where it should go.

Commissioner Roper explained that he thought the motion made at the last commission meeting was to construct the building by the County Road Barn located on the East side of the County. He said that if the Weed Board is not going to use the posse building by the Sheriff's Office

or construct by the East side County Road Barn, then he feels the Weed Board should decide where the building will be constructed.

Commissioner Withers said the Weed Board looked at the posse building and concluded that it would not work for all of their equipment. He said, in his opinion, the best place for the building would be by the West side County Road Barn since it is already fenced. The Mosquito Abatement is already there and he thinks that keeping all the sprays in one location is a good idea. The Weed Board has agreed to build by the West side County Road Barn.

Commissioner Draper made a motion to approve construction of a storage building for the Weed Board's equipment located next to the West side County Road Barn.

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

#### DISCUSSION AND POSSIBLE APPROVAL OF THE 2015/2016 STATE COURT CONTRACT

Attorney Finlinson said the State Court Contract is renewed annually; this approval is for an addendum to renew that contract.

Clerk Rowley stated that the contract increased \$4,749.95 from last year, in favor of the County.

Commissioner Roper made a motion to approve the 2015/2016 State Court Contract.

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

#### DISCUSSION AND POSSIBLE APPROVAL OF A BUSINESS LICENSE FOR ELIASON WOODWORKING, LLC, OWNER - DUSTIN ELIASON

A business license application was presented for Eliason Woodworking, LLC, Owner - Dustin Eliason, a business that builds and installs cabinets/woodworking. After review of the application and finding all signatures in order, Commissioner Draper made a motion to approve a business license for Eliason Woodworking, LLC, Owner - Dustin Eliason.

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

#### DISCUSSION AND POSSIBLE ADOPTION OF ORDINANCE 15-05-19, AN ORDINANCE AMENDING THE MILLARD COUNTY PROCUREMENT POLICY

Commissioner Roper made a motion to adopt Ordinance 15-05-19, an ordinance amending the Millard County Procurement Policy.

Commissioner Draper SECONDED the motion. County Clerk Rowley called for a roll call vote. Commissioner Draper voted YES. Commissioner Roper voted YES. Commissioner Withers voted YES. The voting was unanimous and the motion carried.

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 15-05-19, A RESOLUTION CREATING A NEW PART-TIME POSITION IN THE RECORDER'S OFFICE

Recorder Hansen was unable to attend commission meeting today and asked for this agenda item to be tabled.

Commissioner Draper made a motion to table this agenda item.

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

DISCUSSION AND POSSIBLE APPROVAL OF CERTIFYING THE 2015/2016 UTAH STATE RETIREMENT SYSTEM RATES

Clerk Rowley said that Auditor Grace could not be present today and asked that this agenda item be tabled.

Commissioner Draper made a motion to table this agenda item.

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

DISCUSSION AND POSSIBLE APPROVAL OF DELINQUENT PROPERTY TAX AGREEMENTS

Treasurer Dearden presented several tax agreements to the commissioners. These tax agreements were all made prior to the tax sale and needed to be signed by the commissioners. The tax agreements were as follows:

- John Corbett, Parcel #DO-4012; Extend the deadline to September 30, 2015 to pay the balance in full.
- Michael Curtis, d.b.a. Prince Diamond Ranch, Parcel #5751; Remove the parcel from the tax sale and to pay the balance in full by September 30, 2015. Treasurer Dearden received a \$260.00 payment from Mr. Curtis yesterday.
- Letha Mae Altwine, Parcel #D-635-1; Remove the parcel from the tax sale. A payment was made by Robert Harris for half of the taxes due, and Auditor Grace was going to send Ms. Altwine a letter suggesting she pay \$100.00 per month until the balance is paid in full.
- Ricky & Carol Bauer, Parcels #7336-2 & 7336-1; Remove the parcels from the tax sale and the balance to be paid within three weeks. The second tentative tax sale will be scheduled for June 25, 2015 if they do not pay the balance in full.

Commissioner Roper made a motion to approve the delinquent property tax agreements as presented.

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

## DISCUSSION REGARDING HIRING A PART-TIME IT COMPUTER SPECIALIST

Commissioner Withers said that Richard Beckstrand, Computer Coordinator, is in need of hiring a part-time employee. There is money already budgeted for this in the 2015 Budget.

Commissioner Roper agreed that there is definitely a need for this. He said there needs to be a discussion regarding if the new hire would be on-call, or if they would get a flat fee per month.

Commissioner Withers stated that he would like to get Mr. Beckstrand's input at the next commission meeting. He would also like to look at the pay schedule and what was actually budgeted.

Attorney Finlinson stated that the State Courts have specialized software that the Attorney's Office is required to use and Mr. Beckstrand is so busy he doesn't have time to learn the software, let alone install it, upgrade it and maintain it.

Captain Roper stated that the Sheriff's Office is in the same situation as the Attorney's office.

Commissioner Draper mentioned there might be a situation with flexibility with a part-time position, as most people require a full-time job, so that may be something to consider in the discussion.

## PUBLIC INPUT

Bart Whatcott, East Millard Recreation, presented the commissioners with a large drawing of the proposed Fillmore City Splash Pad, to give them an idea of what it will look like.

## OTHER BUSINESS

Commissioner Roper asked Attorney Finlinson about what the County needed to do to take care of the requirement regarding House Bill 348, Criminal Justice Programs. He said that the State set aside \$2,500,000.00 from which County's could apply for funding.

Attorney Finlinson explained that Central Utah Mental Health (CUMH) is the governmental body that will be applying for grants to use those funds. There are also private counseling centers that will be applying for those funds. He said that there is nothing for the County to do, other than be supportive and encourage CUMH and the private centers to apply for these grants.

Commissioner Roper said that the State is doing an eight hour Law Enforcement Training on how to deal with mental health issues. The State encourages every deputy to take this training, in addition to the forty hour training already required.

Attorney Finlinson said that the Sheriff's Office is aggressively pursuing this.

Commissioner Roper said that at an earlier commission meeting, regarding the possible emergency funding for the Oak City Irrigation Company, he was asked to contact the State Legislature to see if there was anything they could do. He said he visited with representatives for Senator Hatch, Senator Lee and Congressman Stewart. He explained the situation to them and asked that they look into it to see if there was anything that could be done. He said that he plans to follow up with them.

Commissioner Withers will contact NRCS to see if any funding had become available since

the last time he spoke with them.

Attorney Finlinson reminded Commissioner Withers to also ask NRCS if there is a possibility of reimbursement funds.

Commissioner Draper said the Nevada State Engineer sent a reply to a protest filed in 2009 for the change of application points on several wells near the Utah/Nevada border. Five of those protests were upheld since it would harm existing water rights; some of which were in the Snake Valley area. Some change applications were awarded since there was no harm to the existing water rights, but appeals will be filed.

Millard County did not present evidence at that protest, therefore, the State Engineer disallowed the County's protest.

Commissioner Draper said it was also brought to his attention that residents of Snake Valley have petitioned the Utah State Engineer to re-notice the protesting period for all SITLA lands. There is also a movement asking SITLA to sell those lands.

Attorney Finlinson said that the County received new material for the Stephen L. Dean lawsuit. Mr. Dean is suing the County in Federal Court. Attorney Finlinson has met with the attorney from Utah Counties Indemnity Pool (UCIP) and he is doing a great job for the County.

Attorney Finlinson stated that the County has also received a notice of claim from the heirs of Robert D. Steele, who was killed in the demolition derby last year. This will be forwarded to UCIP along with the insurance and indemnity documents between the County and the Hinckley Lion's Club.

Clerk Rowley presented the commissioners with the National Associations of Counties (NACo) voting forms for the upcoming annual conference scheduled July 10, 2015 through July 13, 2015.

Commissioner Roper stated that there is a Mayor meeting today at 1:00 p.m. to discuss the possibility of raising the sales tax by .25%. If the cities decide they want to do this, a resolution would be made and put on the ballot for the citizens to vote.

Commissioner Roper attended an Economic Development Corporation of Utah (EDCU) meeting last week. He was able to get an idea of all the projects and programs that are underway statewide.

Commissioner Roper said he also attended the Zions Annual Trade & Business Show which was very informational. A former Prime Minister of England made a presentation, giving his view on the economy of the world.

Commissioner Draper said there was an application made to build a poultry farm near Holden, with approximately 40,000 turkeys. The application was for a level two feeding operation, which only requires approval from the Planning Commission.

There is currently a bird flu epidemic affecting all poultry operations in the West. So far, 33

million birds have been destroyed because of this epidemic. The virus is not transmissible to humans, but it is transmissible to other birds.

The Planning Commission approved the permits to build this poultry farm. The Egg Farm in Delta has expressed concerns since Holden is only roughly 40 miles away from them. They are trying to control the pathogens in and out of their facility, which is a concern for them. It has been suggested to put a moratorium on poultry businesses until this virus can be controlled.

Commissioner Draper said the Resource Management Plan, regarding the proposed transfer of public lands to the State, was also discussed with the Planning Commission. A preliminary rough outline will be submitted by June 1, 2015.

Commissioner Roper stated that Commissioners Withers and Draper, as well as Scott Barney, Economic Development Director, will be attending a tour of Magnum's Salt Caverns, infrastructure and business in Texas and Alabama June 1, 2015 through June 3, 2015.

Commissioner Roper stated that the County Courthouse Scholarship was awarded to Amy Emmett for Millard High School. The other two scholarships will be awarded this week.

Commissioner Roper reported that the Millard Eagles Girls Track Team took State in Track & Field.

Clerk Rowley stated that the Clerk's Office is working with Attorney Finlinson on a new marriage policy that will be presented at the next commission meeting.

Clerk Rowley said she is working on putting a cost estimate together in case there is a special election held this year. She also verified that the June 2, 2015 commission meeting was rescheduled to June 9, 2015.

#### DISCUSSION AND POSSIBLE APPROVAL OF THE COURTHOUSE SECURITY CONTRACT

Attorney Finlinson said that this contract is renewed annually with the County to provide security services for the State Courts in the County.

Commissioner Draper made a motion to approve the Courthouse Security Contract.

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

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

Clerk Rowley informed the commissioners that the State is upgrading the District Courtroom at the Public Safety Complex to include a new audio and video system. This should be completed by Thursday.

Commissioner Roper asked if there was a final contract for the remodeling of the Main Street Courthouse.

Attorney Finlinson said that the bid submitted is still higher than the \$80,000.00 the County budgeted.

Commissioner Withers suggested that all the commissioners meet with the bidder, Brandon Bartholomew, this afternoon.

#### DISCUSSION AND POSSIBLE APPROVAL REGARDING AN INDIGENT BURIAL CHARGE INCREASE

Commissioner Draper said he was contacted by Nickle Mortuary regarding an indigent burial charge increase. The County approved a resolution in 2009 regarding indigent burials, which states that “the public funds expended by Millard County for such purposes shall not exceed \$1,400.00. Provided, this amount may be adjusted annually for inflation pursuant to the Consumer Price Index (CPI) based Utah’s CPI or the regional CPI affecting Utah.”

Commissioner Draper stated that there has not been an increase in the indigent burial charge since 2009 and the CPI has risen 11.83%. He said Nickle Mortuary has proposed an increase of 12.5% to \$1,600.00.

Commissioner Draper said the indigent burial applies to all mortuaries in the County not just Nickle Mortuary.

Commissioner Roper made a motion to approve an indigent burial charge increase of 11.83%, increasing the amount from \$1,400.00 to \$1,560.00.

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

#### DISCUSSION REGARDING DELTA CITY JUSTICE COURT

Delta City Mayor Gayle Bunker stated that the judge for Delta City Justice Court has retired and the court clerk has moved out of Utah. He asked if the County would be willing to contract with Delta City to provide the City with a judge, a court clerk and facility. He said that Court would take place in the County Satellite office in Delta and he is proposing a 50/50 split on fees.

Mayor Bunker also suggested that it be a one year contract to see how it will work for both parties. He stated that it will remain as the Delta City Justice Court. Delta City is only contracting for services with the County. He said right now nothing is happening with Delta City Justice Court and they have several cases pending that are having to wait.

Attorney Finlinson said that Judge Deb Haveron told him that she thinks her office could absorb the work without trouble. He said that Auditor Grace has asked to review any proposed interlocal agreements to make sure it would not pose a burden on her office. Treasurer Dearden also asked to review the proposal.

Attorney Todd Anderson stated that Delta City could handle the money flow so as not to burden Millard County. He said it should be a minimal amount of work for Millard County with a maximum return. He also asked for a decision to be made quickly since there are cases pending. If the County is not going to contract with Delta City, Delta City would need to get the process



moving to find a judge and court clerk.

Attorney Finlinson stated that the contract would need to be very clear on what duties would be handled by Delta City, so not to add burden to the County Auditor and Treasurer. The contract would need to state that Millard County would provide the facilities, judge and court clerk and Delta City would take care of everything else; including accepting fine payments.

Mayor Bunker stated that Judge Haveron told him that she could handle the caseload and would hold court once a month in Delta. He also said that the intention of Delta City is to contract with Millard County indefinitely, as long as everyone is happy after the one year contract is up.

Captain Roper asked to be kept in the loop on the proposal since the Sheriff's Office will need to provide the security.

Commissioner Withers suggested that Delta City prepare a proposal and get it to Attorney Finlinson so that it could be discussed at the next commission meeting.

#### CONSTRUCTION UPDATE FOR PAVANT SOLAR PROJECT - MATT HECK, JUWI SOLAR, INC.

Matt Heck, Senior Project Developer with Juwi Inc., said that there was an oversight when transitioning job duties. He did not realize that the Conditional Use Permit (CUP) required a monthly update. He is here today to catch up and provide background for the project:

- In December, they started mobilizing to the site and started civil work and road construction.
- In January, they started installing the posts that support the solar modules. They also did some more road work, began constructing the operations and maintenance shed and started the security fence installation.
- In February, they completed the shed, installed about half of the security fence and installed more posts. A lot of time was spent on earth work, drainage and making sure the slopes of the roads were correct.
- In March, they put Mag Chloride on the roads to help keep the dust down. They also installed more posts, did electrical work and started excavating.
- In April, they started the underground trenching. This will link all the solar modules together which will then go to the central substation. They also installed the cups and torque tubes onto the actual solar module posts.
- In May, they started welding the torque tube assemblies and attaching the solar modules to the tubes.
- At the peak of construction there were 136 workers on the site, 35 workers from Millard County. He knows the current number is more than that, but he does not have the updated number at this time.

He said that they are on schedule with the project and invited the commissioners to visit the site at any time.

Commissioner Roper asked Mr. Heck about the demonstration facility that will be built, as stated in the CUP.

Mr. Heck said that he needs to discuss permitting for that facility with the mayor and get some paperwork finalized with some of the contractors.

## CONSTRUCTION UPDATE FOR THE SAWTOOTH BRINE POND 2 - MAGNUM DEVELOPMENT AND SAWTOOTH NGL CAVERNS

Brian Pugh, Environmental Manager with Magnum Development and Adam Richins with Sawtooth NGL Caverns reported the following:

- In December, the CUP was separated from Magnum Gas Storage to Sawtooth NGL Caverns. There were two brine ponds, eight caverns, the rail facility and the piping infrastructure associated with that separation.
- In April, they began Brine Pond 2. They applied for a permit to the Division of Water Rights (DWRI) and to the Department of Water Quality (DEQ) to amend their groundwater discharge permit to tie Brine Pond 2 into Brine Pond 1.
- Brine Pond 2 will be directly south of Brine Pond 1 and will share a dam.
- They received approval for all the permits they applied for. They have a few conditions to meet and then they will be ready to go.
- Ames Construction was awarded the earthwork contract. They have done work in Millard County before and brine ponds are their specialty.
- The double liner installer will be EC Applications, Inc. (ECA), who installed Brine Pond 1.
- The pond designer is Newfields, who designed Brine Pond 1. They are also doing the QATC inspection work; including earthwork, compaction, moisture rates along with the seam control on the liners. There is a weekly review sent to the DEQ and DWRI.
- Mobilization will begin May 18, 2015.
- Work on the pond will be from June to November, with most of the earthwork to be completed the end of September beginning of October.
- All operators, construction workers and installers have completed the required environmental training.
- There will be a single access point in place for their traffic control plan. They are going to talk to the Road Department to verify where they want the construction entrance signs to be placed.
- There are some on-site living quarters for high level management to use, but they are recommending most workers use the hotels and other services in Delta.
- All equipment will be inspected and cleaned upon arrival for weed control.
- The reclamation plan will be similar to the previous pond.
- There will be 100 plus operators with two crews working ten hour shifts, five days a week. Ames Construction has recruited union operators and they plan to use local workers.
- They invited the commissioners to visit the construction site.

DISCUSSIONS FROM EACH COMMISSIONER, COUNTY ATTORNEY, ELECTED OFFICIAL

AND SECRETARY CONTINUED

Commissioner Draper presented a request to increase the cell phone allowance for Adam Britt, GIS to \$120.00 per month. Mr. Beckstrand agrees that the increase is necessary.

Commissioner Draper made a motion to increase the cell phone allowance for Mr. Britt to \$120.00 per month.

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

POSSIBLE REVIEW OF COUNTY POLICIES AND CONTRACTS

There was none.

POSSIBLE CLOSED MEETING PURSUANT TO UTAH CODE ANNOTATED SECTION 52-4-204 & 205

There was none.

WHERE UPON THE MEETING ADJOURNED

Commissioner Roper made a motion to adjourn the meeting.

Commissioner Draper SECONDED the motion. The voting was unanimous and the meeting adjourned at 11:58 a.m..

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

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